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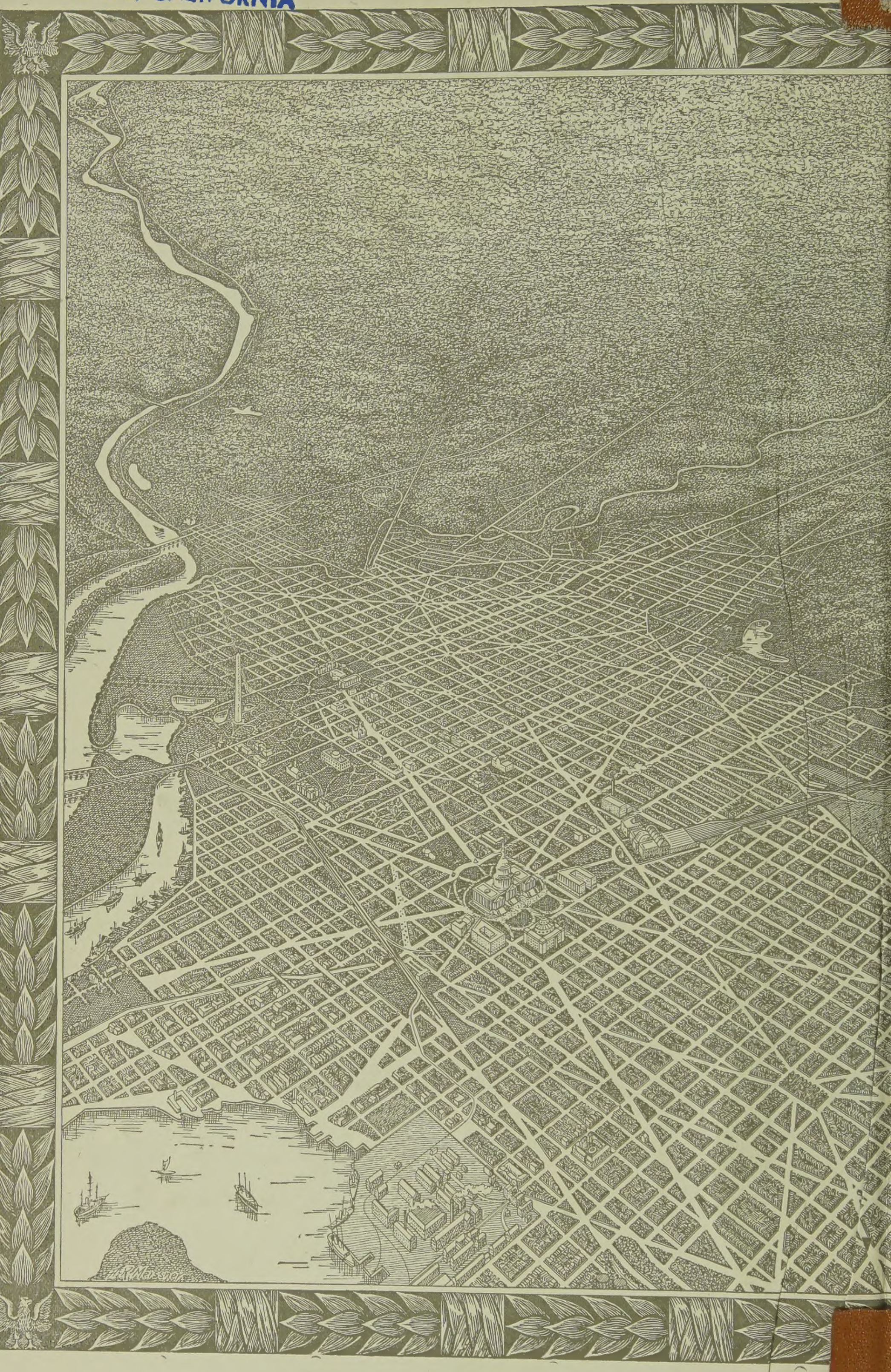

Geo. W. Brooks

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War College

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THE WAR COLLEGE.—Designed for the proper preparation of young men for Army officers. This building is beautifully situated on the point of the Arsenal grounds where the Potomac river and the Eastern Branch flow together.

A COMPILATION
OF THE
MESSAGES AND PAPERS
OF THE
PRESIDENTS

Prepared Under the Direction of the Joint Committee
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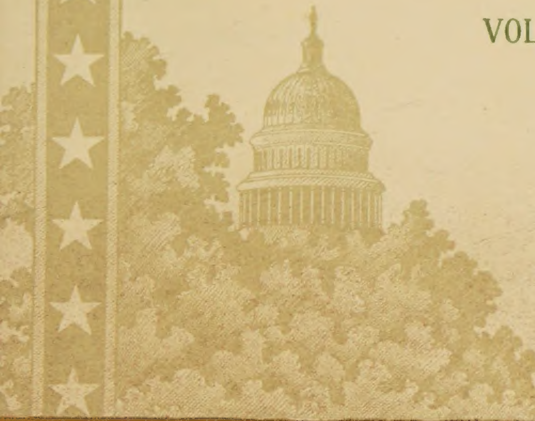

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of lives and expended billions of treasure to enforce a Constitution which is not worthy of respect and preservation?

Those who advocated the right of secession alleged in their own justification that we had no regard for law and that their rights of property, life, and liberty would not be safe under the Constitution as administered by us. If we now verify their assertion, we prove that they were in truth and in fact fighting for their liberty, and instead of branding their leaders with the dishonoring name of traitors against a righteous and legal government we elevate them in history to the rank of self-sacrificing patriots, consecrate them to the admiration of the world, and place them by the side of Washington, Hampden, and Sidney. No; let us leave them to the infamy they deserve, punish them as they should be punished, according to law, and take upon ourselves no share of the odium which they should bear alone.

It is a part of our public history which can never be forgotten that both Houses of Congress, in July, 1861, declared in the form of a solemn resolution that the war was and should be carried on for no purpose of subjugation, but solely to enforce the Constitution and laws, and that when this was yielded by the parties in rebellion the contest should cease, with the constitutional rights of the States and of individuals unimpaired. This resolution was adopted and sent forth to the world unanimously by the Senate and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South as well as in the North as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the rights which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse and to which I can not voluntarily become a party.

The evils which spring from the unsettled state of our Government will be acknowledged by all. Commercial intercourse is impeded, capital is in constant peril, public securities fluctuate in value, peace itself is not secure, and the sense of moral and political duty is impaired. To avert these calamities from our country it is imperatively required that we should immediately decide upon some course of administration which can be steadfastly adhered to. I am thoroughly convinced that any settlement or compromise or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing, but mischievous; that it will but multiply the present evils, instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgment, leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the coordinate branches of the Government would unite upon its provisions they would be found broad enough and strong enough to sustain in time of peace the nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guaranties of that instrument are those which declare that "each State shall have at least one Representative," and that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." Each House is made the "judge of the elections, returns, and qualifications of its own members," and may, "with the concurrence of two-thirds, expel a member." Thus, as heretofore urged, "in the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress." "When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member that he possesses the requisite constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union." And is it not far better that the work of restoration should be accomplished by simple compliance with the plain requirements of the Constitution than by a recourse to measures which in effect destroy the States and threaten the subversion of the General Government? All that is necessary to settle this simple but important question without further agitation or delay is a willingness on the part of all to sustain the Constitution and carry its provisions into practical operation. If to-morrow either branch of Congress would declare that upon the presentation of their credentials members constitutionally elected and loyal to the General Government would be admitted to seats in Congress, while all others would be excluded and their places remain vacant until the selection by the people of loyal and qualified persons, and if at the same time assurance were given that this policy would be continued until all the States were represented in Congress, it would send a thrill of joy throughout the entire land, as indicating the inauguration of a system which must speedily bring tranquillity to the public mind.

While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children.

At present ten States are denied representation, and when the Fortieth Congress assembles on the 4th day of the present month sixteen States will be without a voice in the House of Representatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils.

ANDREW JOHNSON.

PROCLAMATIONS.

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

Whereas exequaturs were heretofore issued to the following-named persons at the dates mentioned and for the places specified, recognizing them as consular officers, respectively, of the Kingdom of Hanover, of the Electorate of Hesse, of the Duchy of Nassau, and of the city of Frankfort, and declaring them free to exercise and enjoy functions, powers, and privileges under the said exequaturs, viz:

FOR THE KINGDOM OF HANOVER.

Julius Frederich, consul at Galveston, Tex., July 28, 1848.
Otto Frank, consul at San Francisco, Cal., July 9, 1850.
Augustus Reichard, consul at New Orleans, La., January 22, 1853.
Kauffmann H. Muller, consul at Savannah, Ga., June 28, 1854.
G. C. Baurmeister, consul at Charleston, S. C., April 21, 1856.
Adolph Gosling, consul-general at New York, November 7, 1859.
G. W. Hennings, vice-consul at New York, July 2, 1860.
George Papendiek, consul at Boston, November 3, 1863.
Francis A. Hoffmann, consul at Chicago, July 26, 1864.
Carl C. Schöttler, consul at Philadelphia, Pa., September 23, 1864.
A. Rettberg, consul at Cleveland, Ohio, September 27, 1864.
A. C. Wilmaus, consul at Milwaukee, Wis., October 7, 1864.
Adolph Meier, consul at St. Louis, Mo., October 7, 1864.
Theodor Schwartz, consul at Louisville, Ky., October 12, 1864.
Carl F. Adae, consul at Cincinnati, Ohio, October 20, 1864.
Werner Dresel, consul at Baltimore, Md., July 25, 1866.

FOR THE ELECTORATE OF HESSE.

Theodor Wagner, consul at Galveston, Tex., March 7, 1857.
Clamor Friedrich Hagedorn, consul at Philadelphia, February 14, 1862.
Werner Dresel, consul at Baltimore, Md., September 26, 1864.
Friedrich Kuhne, consul at New York, September 30, 1864.
Richard Thiele, consul at New Orleans, La., October 18, 1864.
Carl Adae, consul at Cincinnati, Ohio, October 20, 1864.
Robert Barth, consul at St. Louis, Mo., April 11, 1865.
C. F. Mebius, consul at San Francisco, Cal., May 3, 1865.

FOR THE DUCHY OF NASSAU.

Wilhelm A. Kobbe, consul-general for the United States at New York, November 19, 1846.

Friedrich Wilhelm Freudenthal, consul for Louisiana at New Orleans, January 22, 1852.

Franz Moureau, consul for the western half of Texas at New Braunfels, April 6, 1857.

Carl C. Finkler, consul for California at San Francisco, May 21, 1864.

Ludwig von Baumbach, consul for Wisconsin, September 27, 1864.

Otto Cuntz, consul for Massachusetts at Boston, October 7, 1864.

Friedrich Kuhne, consul at New York, September 30, 1864.

Carl F. Adae, consul for the State of Ohio, October 20, 1864.

Robert Barth, consul for Missouri, April 18, 1865.

FOR THE CITY OF FRANKFORT.

John H. Harjes, consul at Philadelphia, Pa., September 27, 1864.

F. A. Reuss, consul at St. Louis, Mo., September 30, 1864.

A. C. Wilmanns, consul for Wisconsin at Milwaukee, October 7, 1864.

Francis A. Hoffmann, consul for Chicago, Ill., October 12, 1864.

Carl F. Adae, consul for Ohio and Indiana, October 20, 1864.

Jacob Julius de Neufville, consul in New York, July 3, 1866.

And whereas the said countries, namely, the Kingdom of Hanover, the Electorate of Hesse, the Duchy of Nassau, and the city of Frankfort, have, in consequence of the late war between Prussia and Austria, been united to the Crown of Prussia; and

Whereas His Majesty the King of Prussia has requested of the President of the United States that the aforesaid exequaturs may, in consequence of the before-recited premises, be revoked:

Now, therefore, these presents do declare that the above-named consular officers are no longer recognized, and that the exequaturs heretofore granted to them are hereby declared to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand at the city of Washington, this 19th day of December, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

An exequatur, bearing date the 22d day of March, 1866, having been issued to Gerhard Janssen, recognizing him as consul of Oldenburg for New York and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Oldenburg and the United States, and the said Janssen having refused to appear in the supreme court of the State of New York to answer in a suit there pending against himself and others on the plea that he is a consular officer of Oldenburg, thus seeking to use his official position to defeat the ends of justice, it is deemed advisable that the said Gerhard Janssen should no longer be permitted to continue in the exercise of said functions, powers, and privileges.

These are therefore to declare that I no longer recognize the said Gerhard Janssen as consul of Oldenburg for New York and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to consuls of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand at Washington, this 26th day of December, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence has been received by me from His Imperial Majesty the Emperor of France, through the Marquis de Montholon, his envoy extraordinary and minister plenipotentiary, that vessels belonging to citizens of the United States entering any port of France or of its dependencies on or after the 1st day of January, 1867, will not be subjected to the payment of higher duties on tonnage than are levied upon vessels belonging to citizens of France entering the said ports:

Now, therefore, I, Andrew Johnson, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, entitled "An act concerning discriminating duties of tonnage and impost," and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after the said 1st day of January, 1867, so long as vessels of the United States shall be admitted to French ports on the terms aforesaid, French vessels entering ports of the United States will be subject to no higher rates of duty on tonnage than are levied upon vessels of the United States in the ports thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 28th day of December, A. D. 1866, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, in virtue of the power conferred by the act of Congress approved June 22, 1860, sections 15 and 24 of which act were designed by proper provisions to secure the strict neutrality of citizens of the United States residing in or visiting the Empires of China and Japan, a notification was issued on the 4th of August last by the legation of the United States in Japan, through the consulates of the open ports of that Empire, requesting American shipmasters not to approach the coasts of Suwo and Nagato pending the then contemplated hostilities between the Tycoon of Japan and the Daimio of the said Provinces; and

Whereas authentic information having been received by the said legation that such hostilities had actually commenced, a regulation in furtherance of the aforesaid notification and pursuant to the act referred to was issued by the minister resident of the United States in Japan forbidding American merchant vessels from stopping or anchoring at any port or roadstead in that country except the three opened ports, viz, Kanagawa (Yokohama), Nagasaki, and Hakodate, unless in distress or forced by stress of weather, as provided by treaty, and giving notice that masters of vessels committing a breach of the regulation would thereby render themselves liable to prosecution and punishment and also to forfeiture of the protection of the United States if the visit to such nonopened port or roadstead should either involve a breach of treaty or be construed as an act in aid of insurrection or rebellion:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, with a view to prevent acts which might injuriously affect the relations existing between the Government of the United States and that of Japan, do hereby call public attention to the aforesaid notification and regulation, which are hereby sanctioned and confirmed.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of January, A. D. 1867, and of the Independence of the United States the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of the Congress of the United States of the 24th of May, 1828, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost' and to equalize the duties on Prussian vessels and their cargoes," it is provided that, upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the said foreign nation and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation or from any other foreign country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes, as aforesaid, shall be continued, and no longer; and

Whereas satisfactory evidence has lately been received by me from His Majesty the King of the Hawaiian Islands, through an official communication of His Majesty's minister of foreign relations under date of the 10th of December, 1866, that no other or higher duties of tonnage and impost are imposed or levied in the ports of the Hawaiian Islands upon vessels wholly belonging to citizens of the United States and upon the produce, manufactures, or merchandise imported in the same from the United States and from any foreign country whatever than are levied on Hawaiian ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Andrew Johnson, President of the United States of America, do hereby declare and proclaim that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued so far as respects the vessels of the Hawaiian Islands and the produce, manufactures, and merchandise imported into the United States in the same from the dominions of the Hawaiian Islands and from any other foreign country whatever, the said suspension to take effect from the said 10th day of December and to continue thenceforward so long as the reciprocal exemption of the vessels of the United States and the produce, manufactures, and merchandise imported into the dominions of the Hawaiian

Islands in the same, as aforesaid, shall be continued on the part of the Government of His Majesty the King of the Hawaiian Islands.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 29th day of January, A. D. 1867, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Congress of the United States did by an act approved on the 19th day of April, 1864, authorize the people of the Territory of Nebraska to form a constitution and State government and for the admission of such State into the Union on an equal footing with the original States upon certain conditions in said act specified; and

Whereas said people did adopt a constitution conforming to the provisions and conditions of said act and ask admission into the Union; and

Whereas the Congress of the United States did on the 8th and 9th days of February, 1867, in mode prescribed by the Constitution, pass a further act for the admission of the State of Nebraska into the Union, in which last-named act it was provided that it should not take effect except upon the fundamental condition that within the State of Nebraska there should be no denial of the elective franchise or of any other right to any person by reason of race or color, excepting Indians not taxed, and upon the further fundamental condition that the legislature of said State, by a solemn public act, should declare the assent of said State to the said fundamental condition and should transmit to the President of the United States an authenticated copy of said act of the legislature of said State, upon receipt whereof the President, by proclamation, should forthwith announce the fact, whereupon said fundamental condition should be held as a part of the organic law of the State, and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union should be considered as complete; and

Whereas within the time prescribed by said act of Congress of the 8th and 9th of February, 1867, the legislature of the State of Nebraska did pass an act ratifying the said act of Congress of the 8th and 9th of February, 1867, and declaring that the aforenamed provisions of the third section of said last-named act of Congress should be a part of the organic law of the State of Nebraska; and

Whereas a duly authenticated copy of said act of the legislature of the State of Nebraska has been received by me:

Now, therefore, I, Andrew Johnson, President of the United States of America, do, in accordance with the provisions of the act of Congress last herein named, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Nebraska to entitle that State to admission to the Union have been ratified and accepted and that the admission of the said State into the Union is now complete.

In testimony whereof I have hereto set my hand and have caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of March, A. D. 1867, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

[NOTE.—The Fortieth Congress, first session, met March 4, 1867, in accordance with the act of January 22, 1867, and on March 30, in accordance with the concurrent resolution of March 29, adjourned to July 3. The Senate met in special session April 1, in conformity to the proclamation of the President of the United States of March 30, and on April 20 adjourned without day. The Fortieth Congress, first session, again met July 3, and on July 20, in accordance with the concurrent resolution of the latter date, adjourned to November 21; again met November 21, and on December 2, 1867, in accordance with the concurrent resolution of November 26, adjourned without day.]

SPECIAL MESSAGES.

MARCH 11, 1867.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 28th of July last, a report from the Secretary of State, with accompanying documents.*

ANDREW JOHNSON.

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*Correspondence since March 4, 1857, touching the claim to military service asserted by France and Prussia in reference to persons born in those countries, but who have since become citizens of the United States.

WASHINGTON CITY, *March 13, 1867.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded this day between the United States and the chiefs and headmen of the Kickapoo tribe of Indians.

A letter of the Secretary of the Interior and a copy of a letter of the Commissioner of Indian Affairs, explanatory of said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded in this city on the 15th instant [ultimo] between the United States and the Stockbridge and Munsee tribes of Indians.

A letter of the Secretary of the Interior of the 25th instant [ultimo] and a copy of a communication from the Commissioner of Indian Affairs of the 19th instant [ultimo], explanatory of the said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded in this city on the 23d instant [ultimo] between the United States and the following tribes of Indians, viz: The Senecas, the confederated Senecas and Shawnees, the Quapaws, the Ottawas, the confederated Peorias, Kaskaskias, Weas and Piankeshaws, and the Miamis.

A letter of the Secretary of the Interior of the 26th instant [ultimo] and a copy of a letter of the Commissioner of Indian Affairs of the 25th instant [ultimo], explanatory of said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 2d March, 1866, between the United States and the Shawnee tribe of Indians of Kansas.

A letter of the Secretary of the Interior of the 6th instant and a copy of a communication from the Commissioner of Indian Affairs of the 2d instant, explanatory of the said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 27th instant [ultimo] between the United States and the Pottawatomie tribe of Indians.

A letter of the Secretary of the Interior of the 28th instant [ultimo] and a copy of a communication from the Commissioner of Indian Affairs of the 27th instant [ultimo], explanatory of the said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, D. C.,
March 13, 1867.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon a treaty concluded in this city on the 13th instant [ultimo] between the United States and the Kansas or Kaw tribe of Indians.

A letter of the Secretary of the Interior of the 25th instant [ultimo] and a copy of a communication of the 19th instant [ultimo] from the Commissioner of Indian Affairs, explanatory of said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON CITY, *March 13, 1867.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty this day concluded between the United States and the Cherokee Nation of Indians, providing for the sale of their lands in Kansas, known as the "Cherokee neutral lands."

A letter of the Secretary of the Interior and accompanying copy of a letter from the Commissioner of Indian Affairs of this date, in relation to the treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *March 14, 1867.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State, in further answer to the resolution* of the House of Representatives of the 24th of January last.

ANDREW JOHNSON.

---

*Requesting information "in relation to a removal of the Protestant Church or religious assembly meeting at the American embassy from the city of Rome by an order of that Government."

WASHINGTON, *March 15, 1867*.

To the Senate of the United States:

I transmit to the Senate, in further answer to their resolution of the 31st of January last, a report from the Secretary of State, with accompanying documents.*

ANDREW JOHNSON.

WASHINGTON, *March 20, 1867*.

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 18th instant, a report† from the Secretary of State, with its accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *March 20, 1867*.

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 18th instant, a report‡ from the Secretary of State, with an accompanying paper.

ANDREW JOHNSON.

WASHINGTON, *March 20, 1867*.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 15th instant, reports§ from the Secretary of State and the Secretary of the Treasury, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *March 20, 1867*.

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 7th instant, relative to the arrest, imprisonment, and treatment of American citizens in Great Britain or its Provinces, I transmit a report from the Secretary of State on the subject.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 21, 1867*.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 19th of March, 1867, between the United States and the Chippewa tribe of Indians of the Mississippi.

---

*Dispatch from the United States consul at Geneva, with an inclosure, refuting charges against his moral character, etc.

†Relating to trials in Canada of citizens of the United States for complicity in the Fenian invasion of that country.

‡Relating to the withdrawal of French troops from the Mexican Republic.

§Relating to the fees of consular agents within the districts of salaried consuls, etc.

A letter of the Secretary of the Interior and a copy of a letter of Hon. Lewis V. Bogy, special commissioner, of the 20th instant, explanatory of the said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 30, 1867.*

To the House of Representatives:

In giving my approval to the joint resolution providing for the expenses of carrying into full effect an act entitled "An act to provide for the more efficient government of the rebel States," I am moved to do so for the following reason: The seventh section of the act supplementary to the act for the more efficient government of the rebel States provides that the expenses incurred under or by virtue of that act shall be paid out of any moneys in the Treasury not otherwise appropriated. This provision is wholly unlimited as to the amount to be expended, whereas the resolution now before me limits the appropriation to $500,000. I consider this limitation as a very necessary check against unlimited expenditure and liabilities. Yielding to that consideration, I feel bound to approve this resolution, without modifying in any manner any objections heretofore stated against the original and supplemental acts.

ANDREW JOHNSON.

WASHINGTON, *March 30, 1867.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and His Majesty the Emperor of all the Russias upon the subject of a cession of territory by the latter to the former, which treaty was this day signed in this city by the plenipotentiaries of the parties.

ANDREW JOHNSON.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on Monday, the 1st day of April next, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Andrew Johnson, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on Monday, the 1st day of April next, at 12 o'clock on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 30th day of March, A. D. 1867, and of the Independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

SPECIAL MESSAGES.

[The following messages were sent to the special session of the Senate.]

WASHINGTON, *March 28, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 20th instant, a report* from the Secretary of State, with accompanying documents.

ANDREW JOHNSON.

WASHINGTON, *April 12, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 10th instant, calling for information relative to prisoners of war taken by belligerents in the Mexican Republic, a report from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *April 13, 1867.*

To the Senate of the United States:

In compliance with a resolution of the Senate of the 28th of January last, requesting certain information in regard to governors, secretaries, and judges of Territories, I transmit herewith reports† from the Secretary of State, the Secretary of the Interior, and the Attorney-General.

ANDREW JOHNSON.

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*Relating to the exequatur of the consul of the Grand Duchy of Oldenburg residing at New York.

† Relating to the absence of Territorial officers from their posts of duty.

WASHINGTON, *April 15, 1867*.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 13th instant, a report* from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *April 16, 1867*.

To the Senate of the United States:

I transmit herewith reports from the heads of the several Executive Departments, in answer to the resolution of the Senate of the 11th instant, requesting "copies of any official opinions which may have been given by the Attorney-General, the Solicitor of the Treasury, or by any other officer of the Government on the interpretation of the act of Congress regulating the tenure of office, and especially with regard to appointments by the President during the recess of Congress."

ANDREW JOHNSON.

[The following messages were sent to the Fortieth Congress, first session.]

WASHINGTON, *July 5, 1867*.

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for commercial reciprocity between the United States and His Majesty the King of the Hawaiian Islands, which convention was signed by the plenipotentiaries of the parties in the city of San Francisco on the 21st day of May last.

ANDREW JOHNSON.

WASHINGTON, *July 5, 1867*.

To the Senate and House of Representatives:

I transmit to Congress a copy of a convention between the United States and the Republic of Venezuela for the adjustment of claims of citizens of the United States on the Government of that Republic. The ratifications of this convention were exchanged at Caracas on the 10th of April last. As its first article stipulates that the commissioners shall meet in that city within four months from that date, the expediency of passing the usual act for the purpose of carrying the convention into effect will, of course, engage the attention of Congress.

ANDREW JOHNSON.

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* Relating to the absence of Governor Alexander Cumming from the Territory of Colorado since his appointment as governor.

WASHINGTON, *July 6, 1867.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a treaty between the United States and His Majesty the Emperor of all the Russias, the ratifications of which were exchanged in this city on the 20th day of June last.

This instrument provides for a cession of territory to the United States in consideration of the payment of $7,200,000 in gold. The attention of Congress is invited to the subject of an appropriation for this payment, and also to that of proper legislation for the occupation and government of the territory as a part of the dominion of the United States.

ANDREW JOHNSON.

WASHINGTON, *July 6, 1867.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States, Great Britain, France, the Netherlands, and Japan, concluded at Yedo on the 25th of June, 1866.

ANDREW JOHNSON.

WASHINGTON, *July 8, 1867.*

To the House of Representatives:

I transmit herewith a report from the Attorney-General, additional to the reports submitted by him December 31, 1866, and March 2, 1867, in reply to a resolution of the House of Representatives of December 10, 1866, requesting "a list of names of all persons engaged in the late rebellion against the United States Government who have been pardoned by the President from April 15, 1865, to this date; that said list shall also state the rank of each person who has been so pardoned, if he has been engaged in the military service of the so-called Confederate government, and the position if he shall have held any civil office under said so-called Confederate government; and shall also further state whether such person has at any time prior to April 14, 1861, held any office under the United States Government, and, if so, what office, together with the reasons for granting such pardon, and also the names of the person or persons at whose solicitation such pardon was granted."

ANDREW JOHNSON.

WASHINGTON, *July 9, 1867.*

To the House of Representatives

In compliance with the resolution of the House of Representatives of the 5th of July, requesting the President "to inform the House what States have ratified the amendment to the Constitution of the United States proposed by concurrent resolution of the two Houses of Congress, June 16, 1866," I transmit a report from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *July 10, 1867*.

To the House of Representatives:

In compliance with so much of the resolution of the House of Representatives of the 8th instant as requests information in regard to certain agreements said to have been entered into between the United States, European and West Virginia Land and Mining Company and certain reputed agents of the Republic of Mexico, I transmit a report from the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *July 11, 1867*.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 3d instant, requesting me to transmit all the official correspondence between the Department of State and the Hon. Lewis D. Campbell, late minister to Mexico, and also that with his successor, I communicate a report from the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *July 12, 1867*.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 8th instant, requesting me to transmit "all the official correspondence between the Department of State and the Hon. Lewis D. Campbell, late minister of the United States to the Republic of Mexico, from the time of his appointment, also the correspondence of the Department with his successor," I communicate herewith a report on the subject from the Secretary of State, from which it appears that the correspondence called for by the Senate has already been communicated to the House of Representatives.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 15, 1867*.

To the Senate of the United States:

I transmit herewith reports from the Secretary of War and the Attorney-General, containing the information called for by the resolution of the Senate of the 3d instant, requesting the President "to communicate to the Senate copies of all orders, instructions, circular letters, or letters of advice issued to the respective military officers assigned to the command of the several military districts under the act passed March 2, 1867, entitled 'An act to provide for the more efficient government of the rebel States,' and the act supplementary thereto, passed March 23, 1867; also copies of all opinions given to him by the Attorney-General of the United States touching the construction and interpretation of said acts, and of all correspondence relating to the operation, construction, or execution of said acts that may have taken place between himself and any of said commanders, or between him and the General of the Army, or between the latter and any of said commanders, touching the same subjects; also copies of all orders issued by any of said commanders in carrying out the provisions of said acts or either of them; also that he inform the Senate what progress has been made in the matter of registration under said acts, and whether the sum of money heretofore appropriated for carrying them out is probably sufficient.''

In answer to that portion of the resolution which inquires whether the sum of money heretofore appropriated for carrying these acts into effect is probably sufficient, reference is made to the accompanying report of the Secretary of War. It will be seen from that report that the appropriation of $500,000 made in the act approved March 30, 1867, for the purpose of carrying into effect the ''Act to provide for the more efficient government of the rebel States,'' passed March 2, 1867, and the act supplementary thereto, passed March 23, 1867, has already been expended by the commanders of the several military districts, and that, in addition, the sum of $1,648,277 is required for present purposes.

It is exceedingly difficult at the present time to estimate the probable expense of carrying into full effect the two acts of March last and the bill which passed the two Houses of Congress on the 13th instant. If the existing governments of ten States of the Union are to be deposed and their entire machinery is to be placed under the exclusive control and authority of the respective district commanders, all the expenditures incident to the administration of such governments must necessarily be incurred by the Federal Government. It is believed that, in addition to the $2,100,000 already expended or estimated for, the sum which would be required for this purpose would not be less than $14,000,000—the aggregate amount expended prior to the rebellion in the administration of their respective governments by the ten States embraced in the provisions of these acts. This sum would no doubt be considerably augmented if the machinery of these States is to be operated by the Federal Government, and would be largely increased if the United States, by abolishing the existing State governments, should become responsible for liabilities incurred by them before the rebellion in laudable efforts to develop their resources, and in no wise created for insurrectionary or revolutionary purposes. The debts of these States, thus legitimately incurred, when accurately ascertained will, it is believed, approximate $100,000,000; and they are held not only by our own citizens, among whom are residents of portions of the country which have ever remained loyal to the Union, but by persons who are the subjects of foreign governments. It is worthy the consideration of Congress and the country whether, if the Federal Government by its action were to assume such obligations, so large an addition to our public expenditures would not seriously impair the credit of the nation, or, on the other hand, whether the refusal of Congress to guarantee the payment of the debts of these States, after having displaced or abolished their State governments, would not be viewed as a violation of good faith and a repudiation by the national legislature of liabilities which these States had justly and legally incurred.

ANDREW JOHNSON.

WASHINGTON, *July 18, 1867.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 8th instant, requesting me to furnish to that body copies of any correspondence on the files of the Department of State relating to any recent events in Mexico, I communicate a report from the Secretary of State, with the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *July 18, 1867.*

To the House of Representatives:

In compliance with that part of the resolution of the House of Representatives of the 8th instant which requests me to transmit to the House of Representatives any official correspondence or other information relating to the capture and execution of Maximilian and the arrest and reported execution of Santa Anna in Mexico, I inclose herewith a report from the Secretary of State, from which it appears that the correspondence called for by the House of Representatives has already been communicated to the Senate of the United States.

ANDREW JOHNSON.

WASHINGTON, *July 20, 1867.*

To the House of Representatives:

I have received a resolution adopted by the House of Representatives on the 8th instant, inquiring "whether the publication which appeared in the National Intelligencer and other public prints on the 21st of June last, and which contained a statement of the proceedings of the President and Cabinet in respect to an interpretation of the acts of Congress commonly known as the reconstruction acts, was made by the authority of the President or with his knowledge and consent," and "whether the full and complete record or minute of all the proceedings, conclusions, and determinations of the President and Cabinet relating to said acts of Congress and their interpretation is embraced or given in said publication," and also requesting that "a true copy of the full and complete record or minute of such proceedings, conclusions, and determinations in regard to the interpretation of said reconstruction acts" be furnished to the House.

In compliance with the request of the House of Representatives, I have to state that the publication to which the resolution refers was made by proper authority, and that it comprises the proceedings in Cabinet relating to the acts of Congress mentioned in the inquiry, upon which, after taking the opinions of the heads of the several Executive Departments of the Government, I had announced my own conclusions. Other questions arising from these acts have been under consideration, upon which, however, no final conclusion has been reached. No publication in reference to them has, therefore, been authorized by me; but should it at any time be deemed proper and advantageous to the interests of the country to make public those or any other proceedings of the Cabinet, authority for their promulgation will be given by the President.

A correct copy of the record of the proceedings, published in the National Intelligencer and other newspapers on the 21st ultimo, is herewith transmitted, together with a copy of the instructions based upon the conclusions of the President and Cabinet and sent to the commanders of the several military districts created by act of Congress of March 2, 1867.

ANDREW JOHNSON.

IN CABINET, *June 18, 1867*.

Present: The President, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Acting Secretary of the Interior.

The President announced that he had under consideration the two opinions from the Attorney-General as to the legal questions arising upon the acts of Congress commonly known as the reconstruction acts, and that in view of the great magnitude of the subject and of the various interests involved he deemed it proper to have it considered fully in the Cabinet and to avail himself of all the light which could be afforded by the opinions and advice of the members of the Cabinet, to enable him to see that these laws be faithfully executed and to decide what orders and instructions are necessary and expedient to be given to the military commanders.

The President said further that the branch of the subject that seemed to him first in order for consideration was as to the instructions to be sent to the military commanders for their guidance and for the guidance of persons offering for registration. The instructions proposed by the Attorney-General, as set forth in the summary contained in his last opinion, will therefore be now considered.

The summary was then read at length.

The reading of the summary having been concluded, each section was then considered, discussed, and voted upon as follows:

1. The oath prescribed in the supplemental act defines all the qualifications required, and every person who can take that oath is entitled to have his name entered upon the list of voters.

All vote "aye" except the Secretary of War, who votes "nay."

2. The board of registration have no authority to administer any other oath to the person applying for registration than this prescribed oath, nor to administer any oath to any other person touching the qualifications of the applicant or the falsity of the oath so taken by him.

No provision is made for challenging the qualifications of the applicant or entering upon any trial or investigation of his qualifications, either by witnesses or any other form of proof.

All vote "aye" except the Secretary of War, who votes "nay."

3. As to citizenship and residence:

The applicant for registration must be a citizen of the State and of the United

States, and must be a resident of a county or parish included in the election district. He may be registered if he has been such citizen for a period less than twelve months at the time he applies for registration, but he can not vote at any election unless his citizenship has then extended to the full term of one year. As to such a person, the exact length of his citizenship should be noted opposite his name on the list, so that it may appear on the day of election, upon reference to the list, whether the full term has then been accomplished.

Concurred in unanimously.

4. An unnaturalized person can not take this oath, but an alien who has been naturalized can take it, and no other proof of naturalization can be required from him.

All vote "aye" except the Secretary of War, who votes "nay."

5. No one who is not 21 years of age at the time of registration can take the oath, for he must swear that he has then attained that age.

Concurred in unanimously.

6. No one who has been disfranchised for participation in any rebellion against the United States or for felony committed against the laws of any State or of the United States can take this oath.

The actual participation in a rebellion or the actual commission of a felony does not amount to disfranchisement. The sort of disfranchisement here meant is that which is declared by law passed by competent authority, or which has been fixed upon the criminal by the sentence of the court which tried him for the crime.

No law of the United States has declared the penalty of disfranchisement for participation in rebellion alone; nor is it known that any such law exists in either of these ten States, except, perhaps, Virginia, as to which State special instructions will be given.

All vote "aye" except the Secretary of War, who dissents as to the second and third paragraphs.

7. As to disfranchisement arising from having held office followed by participation in rebellion:

This is the most important part of the oath, and requires strict attention to arrive at its meaning. The applicant must swear or affirm as follows:

"That I have never been a member of any State legislature, nor held any executive or judicial office in any State, and afterwards engaged in an insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof."

Two elements must concur in order to disqualify a person under these clauses: First, the office and official oath to support the Constitution of the United States; second, engaging afterwards in rebellion. Both must exist to work disqualification, and must happen in the order of time mentioned.

A person who has held an office and taken the oath to support the Federal Constitution and has not afterwards engaged in rebellion is not disqualified. So, too, a person who has engaged in rebellion, but has not theretofore held an office and taken that oath, is not disqualified.

All vote "aye" except the Secretary of War, who votes "nay."

8. Officers of the United States:

As to these the language is without limitation. The person who has at any time prior to the rebellion held any office, civil or military, under the United States, and has taken an official oath to support the Constitution of the United States, is subject to disqualification.

Concurred in unanimously.

9. Militia officers of any State prior to the rebellion are not subject to disqualification.

All vote "aye" except the Secretary of War, who votes "nay."

10. Municipal officers—that is to say, officers of incorporated cities, towns, and villages, such as mayors, aldermen, town council, police, and other city or town officers—are not subject to disqualification.

Concurred in unanimously.

11. Persons who have prior to the rebellion been members of the Congress of the United States or members of a State legislature are subject to disqualification, but those who have been members of conventions framing or amending the constitution of a State prior to the rebellion are not subject to disqualification.

Concurred in unanimously.

12. All the executive or judicial officers of any State who took an oath to support the Constitution of the United States are subject to disqualification, including county officers. They are subject to disqualification if they were required to take as a part of their official oath the oath to support the Constitution of the United States.

Concurred in unanimously.

13. Persons who exercised mere employments under State authority are not disqualified; such as commissioners to lay out roads, commissioners of public works, visitors of State institutions, directors of State institutions, examiners of banks, notaries public, commissioners to take acknowledgments of deeds.

Concurred in unanimously; but the Secretary of State, the Secretary of the Treasury, and the Secretary of War express the opinion that lawyers are such officers as are disqualified if they participated in the rebellion. Two things must exist as to any person to disqualify him from voting: First, the office held prior to the rebellion, and, afterwards, participation in the rebellion.

14. An act to fix upon a person the offense of engaging in rebellion under this law must be an overt and voluntary act, done with the intent of aiding or furthering the common unlawful purpose. A person forced into the rebel service by conscription or under a paramount authority which he could not safely disobey, and who would not have entered such service if left to the free exercise of his own will, can not be held to be disqualified from voting.

All vote "aye" except the Secretary of War, who votes "nay" as the proposition is stated.

15. Mere acts of charity, where the intent is to relieve the wants of the object of such charity, and not done in aid of the cause in which he may have been engaged, do not disqualify; but organized contributions of food and clothing for the general relief of persons engaged in the rebellion, and not of a merely sanitary character, but contributed to enable them to perform their unlawful object, may be classed with acts which do disqualify. Forced contributions to the rebel cause in the form of taxes or military assessments, which a person was compelled to pay or contribute, do not disqualify; but voluntary contributions to the rebel cause, even such indirect contributions as arise from the voluntary loan of money to the rebel authorities or purchase of bonds or securities created to afford the means of carrying on the rebellion, will work disqualification.

Concurred in unanimously.

16. All those who in legislative or other official capacity were engaged in the furtherance of the common unlawful purpose, where the duties of the office necessarily had relation to the support of the rebellion, such as members of the rebel conventions, congresses, and legislatures, diplomatic agents of the rebel Confederacy, and other officials whose offices were created for the purpose of more effectually carrying on hostilities or whose duties appertained to the support of the rebel cause, must be held to be disqualified; but officers who during the rebellion discharged official duties not incident to war, but only such duties as belong even to a state of peace and were

necessary to the preservation of order and the administration of law, are not to be considered as thereby engaging in rebellion or as disqualified. Disloyal sentiments, opinions, or sympathies would not disqualify, but where a person has by speech or writing incited others to engage in rebellion he must come under the disqualification.

All vote "aye" except the Secretary of War, who dissents to the second paragraph, with the exception of the words "where a person has by speech or by writing incited others to engage in rebellion he must come under the disqualification."

17. The duties of the board appointed to superintend the elections.

This board, having the custody of the list of registered voters in the district for which it is constituted, must see that the name of the person offering to vote is found upon the registration list, and if such proves to be the fact it is the duty of the board to receive his vote if then qualified by residence. They can not receive the vote of any person whose name is not upon the list, though he may be ready to take the registration oath, and although he may satisfy them that he was unable to have his name registered at the proper time, in consequence of absence, sickness, or other cause.

The board can not enter into any inquiry as to the qualifications of any person whose name is not on the registration list, or as to the qualifications of any person whose name is on that list.

Concurred in unanimously.

18. The mode of voting is provided in the act to be by ballot. The board will keep a record and poll book of the election, showing the votes, list of voters, and the persons elected by a plurality of the votes cast at the election, and make returns of these to the commanding general of the district.

Concurred in unanimously.

19. The board appointed for registration and for superintending the elections must take the oath prescribed by the act of Congress approved July 2, 1862, entitled "An act to prescribe an oath of office."

Concurred in unanimously.

IN CABINET, *June 20, 1867.*

Present: The same Cabinet officers as on the 18th, except the Acting Secretary of the Interior.

The President announced to the Cabinet that after full deliberation he concurred with the majority upon the sections of the summary upon which the Secretary of War expressed his dissent, and that he concurred with the Cabinet upon those sections approved by unanimous vote; that as it appeared the military commanders entertained doubts upon the points covered by the summary, and as their action hitherto had not been uniform, he deemed it proper, without further delay, to communicate in a general order* to the respective commanders the points set forth in the summary.

VETO MESSAGES.

WASHINGTON, *March 23, 1867.*

To the House of Representatives:

I have considered the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March 2, 1867, and to facilitate restoration," and now return it to the House of Representatives with my objections.

This bill provides for elections in the ten States brought under the operation of the original act to which it is supplementary. Its details are principally directed to the elections for the formation of the State constitutions, but by the sixth section of the bill "all elections" in these States occurring while the original act remains in force are brought within its purview. Referring to these details, it will be found that, first of all, there is to be a registration of the voters. No one whose name has not been admitted on the list is to be allowed to vote at any of these elections. To ascertain who is entitled to registration, reference is made necessary, by the express language of the supplement, to the original act and to the pending bill. The fifth section of the original act provides, as to voters, that they shall be "male citizens of the State, 21 years old and upward, of whatever race, color, or previous condition, who have been residents of said State for one year." This is the general qualification, followed, however, by many exceptions. No one can be registered, according to the original act, "who may be disfranchised for participation in the rebellion"—a provision which left undetermined the question as to what amounted to disfranchisement, and whether without a judicial sentence the act itself produced that effect. This supplemental bill superadds an oath, to be taken by every person before his name can be admitted upon the registration, that he has "not been disfranchised for participation in any rebellion or civil war against the United States." It thus imposes upon every person the necessity and responsibility of deciding for himself, under the peril of punishment by a military commission if he makes a mistake, what works disfranchisement by participation in rebellion and what amounts to such participation. Almost every man—the negro as well as the white—above 21 years of age who was resident in these ten States during the rebellion, voluntarily or involuntarily, at some time and in some way did participate in resistance to the lawful authority of the General Government. The question with the citizen to whom this oath is to be proposed must be a fearful one, for while the bill does not declare that perjury may be assigned for such false swearing nor fix any penalty for the offense, we must not forget that martial law prevails; that every person is answerable to a military commission, without previous presentment by a grand jury, for any charge that may be made against him, and that the supreme authority of the military commander determines the question as to what is an offense and what is to be the measure of punishment.

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*See Executive order of June 20, 1867, pp. 3750-3754.

The fourth section of the bill provides "that the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons." The only qualification stated for these officers is that they must be "loyal." They may be persons in the military service or civilians, residents of the State or strangers. Yet these persons are to exercise most important duties and are vested with unlimited discretion. They are to decide what names shall be placed upon the register and from their decision there is to be no appeal. They are to superintend the elections and to decide all questions which may arise. They are to have the custody of the ballots and to make return of the persons elected. Whatever frauds or errors they may commit must pass without redress. All that is left for the commanding general is to receive the returns of the elections, open the same, and ascertain who are chosen "according to the returns of the officers who conducted said elections." By such means and with this sort of agency are the conventions of delegates to be constituted.

As the delegates are to speak for the people, common justice would seem to require that they should have authority from the people themselves. No convention so constituted will in any sense represent the wishes of the inhabitants of these States, for under the all-embracing exceptions of these laws, by a construction which the uncertainty of the clause as to disfranchisement leaves open to the board of officers, the great body of the people may be excluded from the polls and from all opportunity of expressing their own wishes or voting for delegates who will faithfully reflect their sentiments.

I do not deem it necessary further to investigate the details of this bill. No consideration could induce me to give my approval to such an election law for any purpose, and especially for the great purpose of framing the constitution of a State. If ever the American citizen should be left to the free exercise of his own judgment it is when he is engaged in the work of forming the fundamental law under which he is to live. That work is his work, and it can not properly be taken out of his hands. All this legislation proceeds upon the contrary assumption that the people of each of these States shall have no constitution except such as may be arbitrarily dictated by Congress and formed under the restraint of military rule. A plain statement of facts makes this evident.

In all these States there are existing constitutions, framed in the accustomed way by the people. Congress, however, declares that these constitutions are not "loyal and republican," and requires the people to form them anew. What, then, in the opinion of Congress, is necessary to make the constitution of a State "loyal and republican"? The original act answers the question: It is universal negro suffrage—a question which the Federal Constitution leaves exclusively to the States themselves. All this legislative machinery of martial law, military coercion, and political disfranchisement is avowedly for that purpose and none other. The existing constitutions of the ten States conform to the acknowledged standards of loyalty and republicanism. Indeed, if there are degrees in republican forms of government, their constitutions are more republican now than when these States, four of which were members of the original thirteen, first became members of the Union.

Congress does not now demand that a single provision of their constitutions be changed except such as confine suffrage to the white population. It is apparent, therefore, that these provisions do not conform to the standard of republicanism which Congress seeks to establish. That there may be no mistake, it is only necessary that reference should be made to the original act, which declares "such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates." What class of persons is here meant clearly appears in the same section; that is to say, "the male citizens of said State 21 years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election."

Without these provisions no constitution which can be framed in any one of the ten States will be of any avail with Congress. This, then, is the test of what the constitution of a State of this Union must contain to make it republican. Measured by such a standard, how few of the States now composing the Union have republican constitutions! If in the exercise of the constitutional guaranty that Congress shall secure to every State a republican form of government universal suffrage for blacks as well as whites is a *sine qua non*, the work of reconstruction may as well begin in Ohio as in Virginia, in Pennsylvania as in North Carolina.

When I contemplate the millions of our fellow-citizens of the South with no alternative left but to impose upon themselves this fearful and untried experiment of complete negro enfranchisement—and white disfranchisement, it may be, almost as complete—or submit indefinitely to the rigor of martial law, without a single attribute of freemen, deprived of all the sacred guaranties of our Federal Constitution, and threatened with even worse wrongs, if any worse are possible, it seems to me their condition is the most deplorable to which any people can be reduced. It is true that they have been engaged in rebellion and that their object being a separation of the States and a dissolution of the Union there was an obligation resting upon every loyal citizen to treat them as enemies and to wage war against their cause.

Inflexibly opposed to any movement imperiling the integrity of the Government, I did not hesitate to urge the adoption of all measures necessary for the suppression of the insurrection. After a long and terrible struggle the efforts of the Government were triumphantly successful, and the people of the South, submitting to the stern arbitrament, yielded forever the issues of the contest. Hostilities terminated soon after it became my duty to assume the responsibilities of the chief executive officer of the Republic, and I at once endeavored to repress and control the passions which our civil strife had engendered, and, no longer regarding these erring millions as enemies, again acknowledged them as our friends and our countrymen. The war had accomplished its objects. The nation was saved and that seminal principle of mischief which from the birth of the Government had gradually but inevitably brought on the rebellion was totally eradicated. Then, it seemed to me, was the auspicious time to commence the work of reconciliation; then, when these people sought once more our friendship and protection, I considered it our duty generously to meet them in the spirit of charity and forgiveness and to conquer them even more effectually by the magnanimity of the nation than by the force of its arms. I yet believe that if the policy of reconciliation then inaugurated, and which contemplated an early restoration of these people to all their political rights, had received the support of Congress, every one of these ten States and all their people would at this moment be fast anchored in the Union and the great work which gave the war all its sanction and made it just and holy would have been accomplished. Then over all the vast and fruitful regions of the South peace and its blessings would have prevailed, while now millions are deprived of rights guaranteed by the Constitution to every citizen and after nearly two years of legislation find themselves placed under an absolute military despotism. "A military republic, a government founded on mock elections and supported only by the sword," was nearly a quarter of a century since pronounced by Daniel Webster, when speaking of the South American States, as "a movement, indeed, but a retrograde and disastrous movement, from the regular and old-fashioned monarchical systems;" and he added:

> If men would enjoy the blessings of republican government, they must govern themselves by reason, by mutual counsel and consultation, by a sense and feeling of general interest, and by the acquiescence of the minority in the will of the majority, properly expressed; and, above all, the military must be kept, according to the language of our bill of rights, in strict subordination to the civil authority. Wherever this lesson is not both learned and practiced there can be no political freedom. Absurd, preposterous is it, a scoff and a satire on free forms of constitutional liberty, for frames of government to be prescribed by military leaders and the right of suffrage to be exercised at the point of the sword.

I confidently believe that a time will come when these States will again occupy their true positions in the Union. The barriers which now seem so obstinate must yield to the force of an enlightened and just public opinion, and sooner or later unconstitutional and oppressive legislation will be effaced from our statute books. When this shall have been consummated, I pray God that the errors of the past may be forgotten and that once more we shall be a happy, united, and prosperous people, and that at last, after the bitter and eventful experience through which the nation has passed, we shall all come to know that our only safety is in the preservation of our Federal Constitution and in according to every American citizen and to every State the rights which that Constitution secures.

ANDREW JOHNSON.

WASHINGTON, D. C., *April 10, 1867.**

The first session of the Fortieth Congress adjourned on the 30th day of March, 1867. This bill,† which was passed during that session, was not presented for my approval by the Hon. Edmund G. Ross, of the Senate of the United States, and a member of the Committee on Enrolled Bills, until Monday, the 1st day of April, 1867, two days after the adjournment. It is not believed that the approval of any bill after the adjournment of Congress, whether presented before or after such adjournment, is authorized by the Constitution of the United States, that instrument expressly declaring that no bill shall become a law the return of which may have been prevented by the adjournment of Congress. To concede that under the Constitution the President, after the adjournment of Congress, may, without limitation in respect to time, exercise the power of approval, and thus determine at his discretion whether or not bills shall become laws, might subject the executive and legislative departments of the Government to influences most pernicious to correct legislation and sound public morals, and—with a single exception, occurring during the prevalence of civil war—would be contrary to the established practice of the Government from its inauguration to the present time. This bill will therefore be filed in the office of the Secretary of State without my approval.

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* Pocket veto. Was never sent to Congress, but was deposited in the Department of State.

† "Joint resolution placing certain troops of Missouri on an equal footing with others as to bounties."

ANDREW JOHNSON.

WASHINGTON, D. C., *July 19, 1867.*

To the House of Representatives of the United States:

I return herewith the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed on the 2d day of March, 1867, and the act supplementary thereto, passed on the 23d day of March, 1867," and will state as briefly as possible some of the reasons which prevent me from giving it my approval.

This is one of a series of measures passed by Congress during the last four months on the subject of reconstruction. The message returning the act of the 2d of March last states at length my objections to the passage of that measure. They apply equally well to the bill now before me, and I am content merely to refer to them and to reiterate my conviction that they are sound and unanswerable.

There are some points peculiar to this bill, which I will proceed at once to consider.

The first section purports to declare "the true intent and meaning," in some particulars, of the two prior acts upon this subject.

It is declared that the intent of those acts was, first, that the existing governments in the ten "rebel States" "were not legal State governments," and, second, "that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts and to the paramount authority of Congress."

Congress may by a declaratory act fix upon a prior act a construction altogether at variance with its apparent meaning, and from the time, at least, when such a construction is fixed the original act will be construed to mean exactly what it is stated to mean by the declaratory statute. There will be, then, from the time this bill may become a law no doubt, no question, as to the relation in which the "existing governments" in those States, called in the original act "the provisional governments," stand toward the military authority. As those relations stood before the declaratory act, these "governments," it is true, were made subject to absolute military authority in many important respects, but not in all, the language of the act being "subject to the military authority of the United States, as hereinafter prescribed." By the sixth section of the original act these governments were made "in all respects subject to the paramount authority of the United States."

Now by this declaratory act it appears that Congress did not by the original act intend to limit the military authority to any particulars or subjects therein "prescribed," but meant to make it universal. Thus over all of these ten States this military government is now declared to have unlimited authority. It is no longer confined to the preservation of the public peace, the administration of criminal law, the registration of voters, and the superintendence of elections, but "in all respects" is asserted to be paramount to the existing civil governments.

It is impossible to conceive any state of society more intolerable than this; and yet it is to this condition that 12,000,000 American citizens are reduced by the Congress of the United States. Over every foot of the immense territory occupied by these American citizens the Constitution of the United States is theoretically in full operation. It binds all the people there and should protect them; yet they are denied every one of its sacred guaranties.

Of what avail will it be to any one of these Southern people when seized by a file of soldiers to ask for the cause of arrest or for the production of the warrant? Of what avail to ask for the privilege of bail when in military custody, which knows no such thing as bail? Of what avail to demand a trial by jury, process for witnesses, a copy of the indictment, the privilege of counsel, or that greater privilege, the writ of *habeas corpus?*

The veto of the original bill of the 2d of March was based on two distinct grounds—the interference of Congress in matters strictly appertaining to the reserved powers of the States and the establishment of military tribunals for the trial of citizens in time of peace. The impartial reader of that message will understand that all that it contains with respect to military despotism and martial law has reference especially to the fearful power conferred on the district commanders to displace the criminal courts and assume jurisdiction to try and to punish by military boards; that, potentially, the suspension of the *habeas corpus* was martial law and military despotism. The act now before me not only declares that the intent was to confer such military authority, but also to confer unlimited military authority over all the other courts of the State and over all the officers of the State—legislative, executive, and judicial. Not content with the general grant of power, Congress, in the second section of this bill, specifically gives to each military commander the power "to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under any so-called State, or the government thereof, or any municipal or other division thereof."

A power that hitherto all the departments of the Federal Government, acting in concert or separately, have not dared to exercise is here attempted to be conferred on a subordinate military officer. To him, as a military officer of the Federal Government, is given the power, supported by "a sufficient military force," to remove every civil officer of the State. What next? The district commander, who has thus displaced the civil officer, is authorized to fill the vacancy by the detail of an officer or soldier of the Army, or by the appointment of "some other person."

This military appointee, whether an officer, a soldier, or "some other person," is to perform "the duties of such officer or person so suspended or removed." In other words, an officer or soldier of the Army is thus transformed into a civil officer. He may be made a governor, a legislator, or a judge. However unfit he may deem himself for such civil duties, he must obey the order. The officer of the Army must, if "detailed," go upon the supreme bench of the State with the same prompt obedience as if he were detailed to go upon a court-martial. The soldier, if detailed to act as a justice of the peace, must obey as quickly as if he were detailed for picket duty.

What is the character of such a military civil officer? This bill declares that he shall perform the duties of the civil office to which he is detailed. It is clear, however, that he does not lose his position in the military service. He is still an officer or soldier of the Army; he is still subject to the rules and regulations which govern it, and must yield due deference, respect, and obedience toward his superiors.

The clear intent of this section is that the officer or soldier detailed to fill a civil office must execute its duties according to the laws of the State. If he is appointed a governor of a State, he is to execute the duties as provided by the laws of that State, and for the time being his military character is to be suspended in his new civil capacity. If he is appointed a State treasurer, he must at once assume the custody and disbursement of the funds of the State, and must perform those duties precisely according to the laws of the State, for he is intrusted with no other official duty or other official power. Holding the office of treasurer and intrusted with funds, it happens that he is required by the State laws to enter into bond with security and to take an oath of office; yet from the beginning of the bill to the end there is no provision for any bond or oath of office, or for any single qualification required under the State law, such as residence, citizenship, or anything else. The only oath is that provided for in the ninth section, by the terms of which everyone detailed or appointed to any civil office in the State is required "to take and to subscribe the oath of office prescribed by law for officers of the United States." Thus an officer of the Army of the United States detailed to fill a civil office in one of these States gives no official bond and takes no official oath for the performance of his new duties, but as a civil officer of the State only takes the same oath which he had already taken as a military officer of the United States. He is, at last, a military officer performing civil duties, and the authority under which he acts is Federal authority only: and the inevitable result is that the Federal Government, by the agency of its own sworn officers, in effect assumes the civil government of the State.

A singular contradiction is apparent here. Congress declares these local State governments to be illegal governments, and then provides that these illegal governments shall be carried on by Federal officers, who are to perform the very duties imposed on its own officers by this illegal State authority. It certainly would be a novel spectacle if Congress should attempt to carry on a *legal* State government by the agency of its own officers. It is yet more strange that Congress attempts to sustain and carry on an *illegal* State government by the same Federal agency.

In this connection I must call attention to the tenth and eleventh sections of the bill, which provide that none of the officers or appointees of these military commanders "shall be bound in his action by any opinion of any civil officer of the United States," and that all the provisions of the act "shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out."

It seems Congress supposed that this bill might require construction, and they fix, therefore, the rule to be applied. But where is the construction to come from? Certainly no one can be more in want of instruction than a soldier or an officer of the Army detailed for a civil service, perhaps the most important in a State, with the duties of which he is altogether unfamiliar. This bill says he shall not be bound in his action by the opinion of any civil officer of the United States. The duties of the office are altogether civil, but when he asks for an opinion he can only ask the opinion of another military officer, who, perhaps, understands as little of his duties as he does himself; and as to his "action," he is answerable to the military authority, and to the military authority alone. Strictly, no opinion of any civil officer other than a judge has a binding force.

But these military appointees would not be bound even by a judicial opinion. They might very well say, even when their action is in conflict with the Supreme Court of the United States, "That court is composed of civil officers of the United States, and we are not bound to conform our action to any opinion of any such authority."

This bill and the acts to which it is supplementary are all founded upon the assumption that these ten communities are not States and that their existing governments are not legal. Throughout the legislation upon this subject they are called "rebel States," and in this particular bill they are denominated "so-called States," and the vice of illegality is declared to pervade all of them. The obligations of consistency bind a legislative body as well as the individuals who compose it. It is now too late to say that these ten political communities are not States of this Union. Declarations to the contrary made in these three acts are contradicted again and again by repeated acts of legislation enacted by Congress from the year 1861 to the year 1867.

During that period, while these States were in actual rebellion, and after that rebellion was brought to a close, they have been again and again recognized as States of the Union. Representation has been apportioned to them as States. They have been divided into judicial districts for the holding of district and circuit courts of the United States, as States of the Union only can be districted. The last act on this subject was passed July 23, 1866, by which every one of these ten States was arranged into districts and circuits.

They have been called upon by Congress to act through their legislatures upon at least two amendments to the Constitution of the United States. As States they have ratified one amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes were given in favor of that amendment—seven of which votes were given by seven of these ten States—it was proclaimed to be a part of the Constitution of the United States, and slavery was declared no longer to exist within the United States or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows as an inevitable consequence that in some of the States slavery yet exists. It does not exist in these seven States, for they have abolished it also in their State constitutions; but Kentucky not having done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the power to abolish slavery by denying to them the power to elect a legal State legislature, or to frame a constitution for any purpose, even for such a purpose as the abolition of slavery.

As to the other constitutional amendment, having reference to suffrage, it happens that these States have not accepted it. The consequence is that it has never been proclaimed or understood, even by Congress, to be a part of the Constitution of the United States. The Senate of the United

States has repeatedly given its sanction to the appointment of judges, district attorneys, and marshals for every one of these States; yet, if they are not legal States, not one of these judges is authorized to hold a court. So, too, both Houses of Congress have passed appropriation bills to pay all these judges, attorneys, and officers of the United States for exercising their functions in these States. Again, in the machinery of the internal-revenue laws all these States are districted, not as "Territories," but as "States."

So much for continuous legislative recognition. The instances cited, however, fall far short of all that might be enumerated. Executive recognition, as is well known, has been frequent and unwavering. The same may be said as to judicial recognition through the Supreme Court of the United States. That august tribunal, from first to last, in the administration of its duties *in banc* and upon the circuit, has never failed to recognize these ten communities as legal States of the Union. The cases depending in that court upon appeal and writ of error from these States when the rebellion began have not been dismissed upon any idea of the cessation of jurisdiction. They were carefully continued from term to term until the rebellion was entirely subdued and peace reestablished, and then they were called for argument and consideration as if no insurrection had intervened. New cases, occurring since the rebellion, have come from these States before that court by writ of error and appeal, and even by original suit, where only "a State" can bring such a suit. These cases are entertained by that tribunal in the exercise of its acknowledged jurisdiction, which could not attach to them if they had come from any political body other than a State of the Union. Finally, in the allotment of their circuits made by the judges at the December term, 1865, every one of these States is put on the same footing of legality with all the other States of the Union. Virginia and North Carolina, being a part of the fourth circuit, are allotted to the Chief Justice. South Carolina, Georgia, Alabama, Mississippi, and Florida constitute the fifth circuit, and are allotted to the late Mr. Justice Wayne. Louisiana, Arkansas, and Texas are allotted to the sixth judicial circuit, as to which there is a vacancy on the bench.

The Chief Justice, in the exercise of his circuit duties, has recently held a circuit court in the State of North Carolina. If North Carolina is not a State of this Union, the Chief Justice had no authority to hold a court there, and every order, judgment, and decree rendered by him in that court were *coram non judice* and void.

Another ground on which these reconstruction acts are attempted to be sustained is this: That these ten States are conquered territory; that the constitutional relation in which they stood as States toward the Federal Government prior to the rebellion has given place to a new relation; that their territory is a conquered country and their citizens a conquered people, and that in this new relation Congress can govern them by military power.

A title by conquest stands on clear ground; it is a new title acquired by war; it applies only to territory; for goods or movable things regularly captured in war are called "booty," or, if taken by individual soldiers, "plunder."

There is not a foot of the land in any one of these ten States which the United States holds by conquest, save only such land as did not belong to either of these States or to any individual owner. I mean such lands as did belong to the pretended government called the Confederate States. These lands we may claim to hold by conquest. As to all other land or territory, whether belonging to the States or to individuals, the Federal Government has now no more title or right to it than it had before the rebellion. Our own forts, arsenals, navy-yards, custom-houses, and other Federal property situate in those States we now hold, not by the title of conquest, but by our old title, acquired by purchase or condemnation for public use, with compensation to former owners. We have not conquered these places, but have simply "repossessed" them.

If we require more sites for forts, custom-houses, or other public use, we must acquire the title to them by purchase or appropriation in the regular mode. At this moment the United States, in the acquisition of sites for national cemeteries in these States, acquires title in the same way. The Federal courts sit in court-houses owned or leased by the United States, not in the court-houses of the States. The United States pays each of these States for the use of its jails. Finally, the United States levies its direct taxes and its internal revenue upon the property in these States, including the productions of the lands within their territorial limits, not by way of levy and contribution in the character of a conqueror, but in the regular way of taxation, under the same laws which apply to all the other States of the Union.

From first to last, during the rebellion and since, the title of each of these States to the lands and public buildings owned by them has never been disturbed, and not a foot of it has ever been acquired by the United States, even under a title by confiscation, and not a foot of it has ever been taxed under Federal law.

In conclusion I must respectfully ask the attention of Congress to the consideration of one more question arising under this bill. It vests in the military commander, subject only to the approval of the General of the Army of the United States, an unlimited power to remove from office any civil or military officer in each of these ten States, and the further power, subject to the same approval, to detail or appoint any military officer or soldier of the United States to perform the duties of the officer so removed, and to fill all vacancies occurring in those States by death, resignation, or otherwise.

The military appointee thus required to perform the duties of a civil office according to the laws of the State, and, as such, required to take an oath, is for the time being a civil officer. What is his character? Is he a civil officer of the State or a civil officer of the United States? If he is a civil officer of the State, where is the Federal power under our Constitution which authorizes his appointment by any Federal officer? If, however, he is to be considered a civil officer of the United States, as his appointment and oath would seem to indicate, where is the authority for his appointment vested by the Constitution? The power of appointment of all officers of the United States, civil or military, where not provided for in the Constitution, is vested in the President, by and with the advice and consent of the Senate, with this exception, that Congress "may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments." But this bill, if these are to be considered inferior officers within the meaning of the Constitution, does not provide for their appointment by the President alone, or by the courts of law, or by the heads of Departments, but vests the appointment in one subordinate executive officer, subject to the approval of another subordinate executive officer. So that, if we put this question and fix the character of this military appointee either way, this provision of the bill is equally opposed to the Constitution.

Take the case of a soldier or officer appointed to perform the office of judge in one of these States, and, as such, to administer the proper laws of the State. Where is the authority to be found in the Constitution for vesting in a military or an executive officer strict judicial functions to be exercised under State law? It has been again and again decided by the Supreme Court of the United States that acts of Congress which have attempted to vest *executive* powers in the *judicial* courts or judges of the United States are not warranted by the Constitution. If Congress can not clothe *a judge* with merely *executive* duties, how can they clothe *an officer* or *soldier* of the Army with *judicial* duties over citizens of the United States who are not in the military or naval service? So, too, it has been repeatedly decided that Congress can not require a State officer, executive or judicial, to perform any duty enjoined upon him by a law of the United States. How, then, can Congress confer power upon an executive officer of the United States to perform such duties in a State? If Congress could not vest in a judge of one of these States any judicial authority under the United States by direct enactment, how can it accomplish the same thing indirectly, by removing the State judge and putting an officer of the United States in his place?

To me these considerations are conclusive of the unconstitutionality of this part of the bill now before me, and I earnestly commend their consideration to the deliberate judgment of Congress.

Within a period less than a year the legislation of Congress has attempted to strip the executive department of the Government of some of its essential powers. The Constitution and the oath provided in it devolve upon the President the power and duty to see that the laws are faithfully executed. The Constitution, in order to carry out this power, gives him the choice of the agents, and makes them subject to his control and supervision. But in the execution of these laws the constitutional obligation upon the President remains, but the power to exercise that constitutional duty is effectually taken away. The military commander is as to the power of appointment made to take the place of the President, and the General of the Army the place of the Senate; and any attempt on the part of the President to assert his own constitutional power may, under pretense of law, be met by official insubordination. It is to be feared that these military officers, looking to the authority given by these laws rather than to the letter of the Constitution, will recognize no authority but the commander of the district and the General of the Army.

If there were no other objection than this to this proposed legislation, it would be sufficient. Whilst I hold the chief executive authority of the United States, whilst the obligation rests upon me to see that all the laws are faithfully executed, I can never willingly surrender that trust or the powers given for its execution. I can never give my assent to be made responsible for the faithful execution of laws, and at the same time surrender that trust and the powers which accompany it to any other executive officer, high or low, or to any number of executive officers. If this executive trust, vested by the Constitution in the President, is to be taken from him and vested in a subordinate officer, the responsibility will be with Congress in clothing the subordinate with unconstitutional power and with the officer who assumes its exercise.

This interference with the constitutional authority of the executive department is an evil that will inevitably sap the foundations of our federal system; but it is not the worst evil of this legislation. It is a great public wrong to take from the President powers conferred on him alone by the Constitution, but the wrong is more flagrant and more dangerous when the powers so taken from the President are conferred upon subordinate executive officers, and especially upon military officers. Over nearly one-third of the States of the Union military power, regulated by no fixed law, rules supreme. Each one of the five district commanders, though not chosen by the people or responsible to them, exercises at this hour more executive power, military and civil, than the people have ever been willing to confer upon the head of the executive department, though chosen by and responsible to themselves. The remedy must come from the people themselves. They know what it is and how it is to be applied. At the present time they can not, according to the forms of the Constitution, repeal these laws; they can not remove or control this military despotism. The remedy is, nevertheless, in their hands; it is to be found in the ballot, and is a sure one if not controlled by fraud, overawed by arbitrary power, or, from apathy on their part, too long delayed. With abiding confidence in their patriotism, wisdom, and integrity, I am still hopeful of the future, and that in the end the rod of despotism will be broken, the armed heel of power lifted from the necks of the people, and the principles of a violated Constitution preserved.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 19, 1867*.

To the House of Representatives:

For reasons heretofore stated in my several veto messages to Congress upon the subject of reconstruction, I return without my approval the "Joint resolution to carry into effect the several acts providing for the more efficient government of the rebel States," and appropriating for that purpose the sum of $1,000,000.

ANDREW JOHNSON.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas by the Constitution of the United States the executive power is vested in a President of the United States of America, who is bound by solemn oath faithfully to execute the office of President and to the best of his ability to preserve, protect, and defend the Constitution of the United States, and is by the same instrument made Commander in Chief of the Army and Navy of the United States and is required to take care that the laws be faithfully executed; and

Whereas by the same Constitution it is provided that the said Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land, and the judges in every State shall be bound thereby; and

Whereas in and by the same Constitution the judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, and the aforesaid judicial power is declared to extend to all cases in law and equity arising under the Constitution, the laws of the United States, and the treaties which shall be made under their authority; and

Whereas all officers, civil and military, are bound by oath that they will support and defend the Constitution against all enemies, foreign and domestic, and will bear true faith and allegiance to the same; and

Whereas all officers of the Army and Navy of the United States, in accepting their commissions under the laws of Congress and the Rules and Articles of War, incur an obligation to observe, obey, and follow such directions as they shall from time to time receive from the President or the General or other superior officers set over them according to the rules and discipline of war; and

Whereas it is provided by law that whenever, by reason of unlawful obstructions, combinations, or assemblages of persons or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, the Executive in that case is authorized and required to secure their faithful execution by the employment of the land and naval forces; and

Whereas impediments and obstructions, serious in their character, have recently been interposed in the States of North Carolina and South Carolina, hindering and preventing for a time a proper enforcement there of the laws of the United States and of the judgments and decrees of a lawful court thereof, in disregard of the command of the President of the United States; and

Whereas reasonable and well-founded apprehensions exist that such ill-advised and unlawful proceedings may be again attempted there or elsewhere:

Now, therefore, I, Andrew Johnson, President of the United States, do hereby warn all persons against obstructing or hindering in any manner whatsoever the faithful execution of the Constitution and the laws; and I do solemnly enjoin and command all officers of the Government, civil and military, to render due submission and obedience to said laws and to the judgments and decrees of the courts of the United States, and to give all the aid in their power necessary to the prompt enforcement and execution of such laws, decrees, judgments, and processes.

And I do hereby enjoin upon the officers of the Army and Navy to assist and sustain the courts and other civil authorities of the United States in a faithful administration of the laws thereof and in the judgments, decrees, mandates, and processes of the courts of the United States; and I call upon all good and well-disposed citizens of the United States to remember that upon the said Constitution and laws, and upon the judgments, decrees, and processes of the courts made in accordance with the same, depend the protection of the lives, liberty, property, and happiness of the people. And I exhort them everywhere to testify their devotion to their country, their pride in its prosperity and greatness, and their determination to uphold its free institutions by a hearty cooperation in the efforts of the Government to sustain the authority of the law, to maintain the supremacy of the Federal Constitution, and to preserve unimpaired the integrity of the National Union.

In testimony whereof I have caused the seal of the United States to be affixed to these presents and sign the same with my hand.

[SEAL.] Done at the city of Washington, the 3d day of September, in the year 1867.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in the month of July, A. D. 1861, the two Houses of Congress, with extraordinary unanimity, solemnly declared that the war then existing was not waged on the part of the Government in any spirit of oppression nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects should be accomplished the war ought to cease; and

Whereas the President of the United States, on the 8th day of December, A. D. 1863, and on the 26th day of March, A. D. 1864, did, with the objects of suppressing the then existing rebellion, of inducing all persons to return to their loyalty, and of restoring the authority of the United States, issue proclamations offering amnesty and pardon to all persons who had, directly or indirectly, participated in the then existing rebellion, except as in those proclamations was specified and reserved; and

Whereas the President of the United States did on the 29th day of May, A. D. 1865, issue a further proclamation, with the same objects before mentioned, and to the end that the authority of the Government of the United States might be restored and that peace, order, and freedom might be established, and the President did by the said last-mentioned proclamation proclaim and declare that he thereby granted to all persons who had, directly or indirectly, participated in the then existing rebellion, except as therein excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in certain cases where legal proceedings had been instituted, but upon condition that such persons should take and subscribe an oath therein prescribed, which oath should be registered for permanent preservation; and

Whereas in and by the said last-mentioned proclamation of the 29th day of May, A. D. 1865, fourteen extensive classes of persons therein specially described were altogether excepted and excluded from the benefits thereof; and

Whereas the President of the United States did, on the 2d day of April, A. D. 1866, issue a proclamation declaring that the insurrection was at an end and was thenceforth to be so regarded; and

Whereas there now exists no organized armed resistance of misguided citizens or others to the authority of the United States in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, Florida, and Texas, and the laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of said States are well and loyally disposed, and have conformed, or, if permitted to do so, will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States; and

Whereas there no longer exists any reasonable ground to apprehend within the States which were involved in the late rebellion any renewal thereof or any unlawful resistance by the people of said States to the Constitution and laws of the United States; and

Whereas large standing armies, military occupation, martial law, military tribunals, and the suspension of the privilege of the writ of *habeas corpus* and the right of trial by jury are in time of peace dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed except in cases of actual necessity for repelling invasion or suppressing insurrection or rebellion; and

Whereas a retaliatory or vindictive policy, attended by unnecessary disqualifications, pains, penalties, confiscations, and disfranchisements, now, as always, could only tend to hinder reconciliation among the people and national restoration, while it must seriously embarrass, obstruct, and repress popular energies and national industry and enterprise; and

Whereas for these reasons it is now deemed essential to the public welfare and to the more perfect restoration of constitutional law and order that the said last-mentioned proclamation so as aforesaid issued on the 29th day of May, A. D. 1865, should be modified, and that the full and beneficent pardon conceded thereby should be opened and further extended to a large number of the persons who by its aforesaid exceptions have been hitherto excluded from Executive clemency:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the full pardon described in the said proclamation of the 29th day of May, A. D. 1865, shall henceforth be opened and extended to all persons who, directly or indirectly, participated in the late rebellion, with the restoration of all privileges, immunities, and rights of property, except as to property with regard to slaves, and except in cases of legal proceedings under the laws of the United States; but upon this condition, nevertheless, that every such person who shall seek to avail himself of this proclamation shall take and subscribe the following oath and shall cause the same to be registered for permanent preservation in the same manner and with the same effect as with the oath prescribed in the said proclamation of the 29th day of May, 1865, namely:

> I, ——— ———, do solemnly swear (or affirm), in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder, and that I will in like man-

ner abide by and faithfully support all laws and proclamations which have been made during the late rebellion with reference to the emancipation of slaves. So help me God.

The following persons, and no others, are excluded from the benefits of this proclamation and of the said proclamation of the 29th day of May, 1865, namely:

First. The chief or pretended chief executive officers, including the President, the Vice-President, and all heads of departments of the pretended Confederate or rebel government, and all who were agents thereof in foreign states and countries, and all who held or pretended to hold in the service of the said pretended Confederate government a military rank or title above the grade of brigadier-general or naval rank or title above that of captain, and all who were or pretended to be governors of States while maintaining, aiding, abetting, or submitting to and acquiescing in the rebellion.

Second. All persons who in any way treated otherwise than as lawful prisoners of war persons who in any capacity were employed or engaged in the military or naval service of the United States.

Third. All persons who at the time they may seek to obtain the benefits of this proclamation are actually in civil, military, or naval confinement or custody, or legally held to bail, either before or after conviction, and all persons who were engaged, directly or indirectly, in the assassination of the late President of the United States or in any plot or conspiracy in any manner therewith connected.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereunto affixed.

[SEAL.] Done at the city of Washington, the 7th day of September, A. D. 1867, and of the Independence of the United States of America the ninety-second.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has been ascertained that in the nineteenth paragraph of the proclamation of the President of the United States of the 20th of August, 1866, declaring the insurrection at an end which had theretofore existed in the State of Texas, the previous proclamation of the 13th of June, 1865, instead of that of the 2d day of April, 1866, was referred to:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare and proclaim that the said words "13th of June, 1865,'' are to be regarded as erroneous in the paragraph adverted to, and that the words ''2d day of April, 1866,'' are to be considered as substituted therefor.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 7th day of October, A. D. 1867, and of the Independence of the United States of America the ninety-second.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In conformity with a recent custom that may now be regarded as established on national consent and approval, I, Andrew Johnson, President of the United States, do hereby recommend to my fellow-citizens that Thursday, the 28th day of November next, be set apart and observed throughout the Republic as a day of national thanksgiving and praise to the Almighty Ruler of Nations, with whom are dominion and fear, who maketh peace in His high places.

Resting and refraining from secular labors on that day, let us reverently and devoutly give thanks to our Heavenly Father for the mercies and blessings with which He has crowned the now closing year. Especially let us remember that He has covered our land through all its extent with greatly needed and very abundant harvests; that He has caused industry to prosper, not only in our fields, but also in our workshops, in our mines, and in our forests. He has permitted us to multiply ships upon our lakes and rivers and upon the high seas, and at the same time to extend our iron roads so far into the secluded places of the continent as to guarantee speedy overland intercourse between the two oceans. He has inclined our hearts to turn away from domestic contentions and commotions consequent upon a distracting and desolating civil war, and to walk more and more in the ancient ways of loyalty, conciliation, and brotherly love. He has blessed the peaceful efforts with which we have established new and important commercial treaties with foreign nations, while we have at the same time strengthened our national defenses and greatly enlarged our national borders.

While thus rendering the unanimous and heartfelt tribute of national praise and thanksgiving which is so justly due to Almighty God, let us not fail to implore Him that the same divine protection and care which we have hitherto so undeservedly and yet so constantly enjoyed may be continued to our country and our people throughout all their generations forever.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 26th day of October, A. D. 1867, and of the Independence of the United States the ninety-second.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

EXECUTIVE ORDERS.

GENERAL ORDERS, NO. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 11, 1867.

* * * * * * *

II. In pursuance of the act of Congress entitled "An act to provide for the more efficient government of the rebel States," the President directs the following assignments to be made:

First District, State of Virginia, to be commanded by Brevet Major-General J. M. Schofield. Headquarters, Richmond, Va.

Second District, consisting of North Carolina and South Carolina, to be commanded by Major-General D. E. Sickles. Headquarters, Columbia, S. C.

Third District, consisting of the States of Georgia, Florida, and Alabama, to be commanded by Major-General G. H. Thomas. Headquarters, Montgomery, Ala.

Fourth District, consisting of the States of Mississippi and Arkansas, to be commanded by Brevet Major-General E. O. C. Ord. Headquarters, Vicksburg, Miss.

Fifth District, consisting of the States of Louisiana and Texas, to be commanded by Major-General P. H. Sheridan. Headquarters, New Orleans, La.

The powers of departmental commanders are hereby delegated to the above-named district commanders.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 18.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 15, 1867.

The President directs that the following change be made, at the request of Major-General Thomas, in the assignment announced in General Orders, No. 10, of March 11, 1867, of commanders of districts, under the act of Congress entitled "An act to provide for the more efficient government of the rebel States," and of the Department of the Cumberland, created in General Orders, No. 14, of March 12, 1867:

Brevet Major-General John Pope to command the Third District, consisting of the States of Georgia, Florida, and Alabama; and Major-General George H. Thomas to command the Department of the Cumberland.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 20, 1867.

Whereas several commanders of military districts created by the acts of Congress known as the reconstruction acts have expressed doubts as to the proper construction thereof and in respect to some of their powers and duties under said acts, and have applied to the Executive for information in relation thereto; and

Whereas the said acts of Congress have been referred to the Attorney-General for his opinion thereon, and the said acts and the opinion of the Attorney-General have been fully and carefully considered by the President in conference with the heads of the respective Departments:

The President accepts the following as a practical interpretation of the aforesaid acts of Congress on the points therein presented, and directs the same to be transmitted to the respective military commanders for their information, in order that there may be uniformity in the execution of said acts:

1. The oath prescribed in the supplemental act defines all the qualifications required, and every person who can take that oath is entitled to have his name entered upon the list of voters.

2. The board of registration have no authority to administer any other oath to the person applying for registration than this prescribed oath, nor to administer an oath to any other person touching the qualifications of the applicant or the falsity of the oath so taken by him. The act, to guard against falsity in the oath, provides that if false the person taking it shall be tried and punished for perjury.

No provision is made for challenging the qualifications of the applicant or entering upon any trial or investigation of his qualifications, either by witnesses or any other form of proof.

3. *As to citizenship and residence:*

The applicant for registration must be a citizen of the State and of the United States, and must be a resident of a county or parish included in the election district. He may be registered if he has been such citizen for a period less than twelve months at the time he applies for registration, but he can not vote at any election unless his citizenship has *then* extended to the full term of one year. As to such a person, the exact length of his citizenship should be noted opposite his name on the list, so that it may appear on the day of election, upon reference to the list, whether the full term has then been accomplished.

4. An unnaturalized person can not take this oath, but an alien who has been naturalized can take it, and no other proof of naturalization can be required from him.

5. No one who is not 21 years of age at the time of registration can take the oath, for he must swear that he has then attained that age.

6. No one who has been disfranchised for participation in any rebellion against the United States or for felony committed against the laws of any State or of the United States can take this oath.

The actual participation in a rebellion or the actual commission of a felony does not amount to disfranchisement. The sort of disfranchisement here meant is that which is declared by law passed by competent authority, or which has been fixed upon the criminal by the sentence of the court which tried him for the crime.

No law of the United States has declared the penalty of disfranchisement for participation in rebellion alone; nor is it known that any such law exists in either of these ten States, except, perhaps, Virginia, as to which State special instructions will be given.

7. *As to disfranchisement arising from having held office followed by participation in rebellion:*

This is the most important part of the oath, and requires strict attention to arrive at its meaning. The applicant must swear or affirm as follows:

> That I have never been a member of any State legislature, nor held any executive or judicial office in any State, and afterwards engaged in an insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof.

Two elements must concur in order to disqualify a person under these clauses: First, the office and official oath to support the Constitution of the United States; second, engaging afterwards in rebellion. Both must exist to work disqualification, and must happen in the order of time mentioned.

A person who has held an office and taken the oath to support the Federal Constitution and has not afterwards engaged in rebellion is not disqualified. So, too, a person who has engaged in rebellion, but has not theretofore held an office and taken that oath, is not disqualified.

8. *Officers of the United States:*

As to these the language is without limitation. The person who has at any time prior to the rebellion held an office, civil or military, under the United States, and has taken an official oath to support the Constitution of the United States, is subject to disqualification.

9. *Militia officers* of any State prior to the rebellion are not subject to disqualification.

10. *Municipal officers*—that is to say, officers of incorporated cities, towns, and villages, such as mayors, aldermen, town council, police, and other city or town officers—are not subject to disqualification.

11. Persons who have prior to the rebellion been members of the Congress of the United States or members of a State legislature are subject to disqualification, but those who have been members of conventions framing or amending the Constitution of a State prior to the rebellion are not subject to disqualification.

12. All the executive or judicial officers of any State who took an oath to support the Constitution of the United States are subject to disqualification, including county officers. They are subject to disqualification if they were required to take as a part of their official oath *the oath to support the Constitution of the United States.*

13. Persons who exercised mere employment under State authority are not disqualified; such as commissioners to lay out roads, commissioners of public works, visitors of State institutions, directors of State institutions, examiners of banks, notaries public, and commissioners to take acknowledgments of deeds.

ENGAGING IN REBELLION.

Having specified what offices held by anyone prior to the rebellion come within the meaning of the law, it is necessary next to set forth what subsequent conduct fixes upon such person the offense of engaging in rebellion. Two things must exist as to any person to disqualify him from voting: First, the office held prior to the rebellion, and, afterwards, participation in the rebellion.

14. An act to fix upon a person the offense of engaging in the rebellion under this law must be an overt and voluntary act, done with the intent of aiding or furthering the common unlawful purpose. A person forced into the rebel service by conscription or under a paramount authority which he could not safely disobey, and who would not have entered

such service if left to the free exercise of his own will, can not be held to be disqualified from voting.

15. Mere acts of charity, where the intent is to relieve the wants of the object of such charity, and not done in aid of the cause in which he may have been engaged, do not disqualify; but organized contributions of food and clothing for the general relief of persons engaged in the rebellion, and not of a merely sanitary character, but contributed to enable them to perform their unlawful object, may be classed with acts which do disqualify.

Forced contributions to the rebel cause in the form of taxes or military assessments, which a person was compelled to pay or contribute, do not disqualify; but voluntary contributions to the rebel cause, even such indirect contributions as arise from the voluntary loan of money to rebel authorities or purchase of bonds or securities created to afford the means of carrying on the rebellion, will work disqualification.

16. All those who in legislative or other official capacity were engaged in the furtherance of the common unlawful purpose, where the duties of the office necessarily had relation to the support of the rebellion, such as members of the rebel conventions, congresses, and legislatures, diplomatic agents of the rebel Confederacy, and other officials whose offices were created for the purpose of more effectually carrying on hostilities or whose duties appertained to the support of the rebel cause, must be held to be disqualified.

But officers who during the rebellion discharged official duties not incident to war, but only such duties as belong even to a state of peace and were necessary to the preservation of order and the administration of law, are not to be considered as thereby engaging in rebellion or as disqualified. Disloyal sentiments, opinions, or sympathies would not disqualify, but where a person has by speech or by writing incited others to engage in rebellion he must come under the disqualification.

17. *The duties of the board appointed to superintend the elections:*

This board, having the custody of the list of registered voters in the district for which it is constituted, must see that the name of the person offering to vote is found upon the registration list, and if such proves to be the fact it is the duty of the board to receive his vote if then qualified by residence. They can not receive the vote of any person whose name is not upon the list, though he may be ready to take the registration oath, and although he may satisfy them that he was unable to have his name registered at the proper time, in consequence of absence, sickness, or other cause.

The board can not enter into any inquiry as to the qualifications of any person whose name is not on the registration list, or as to the qualifications of any person whose name is on the list.

18. *The mode of voting* is provided in the act to be *by ballot*. The board will keep a record and poll book of the election, showing the votes,

list of voters, and the persons elected by a plurality of the votes cast at the election, and make returns of these to the commanding general of the district.

19. The board appointed for registration and for superintending the elections must take the oath prescribed by the act of Congress approved July 2, 1862, entitled "An act to prescribe an oath of office."

By order of the President:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, August 12, 1867.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same.

You will at once transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, and other property now in your custody and charge.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., August 12, 1867.

General ULYSSES S. GRANT,
Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day suspended as Secretary of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will at once enter upon the discharge of the duties of the office.

The Secretary of War has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., August 17, 1867.

Major-General George H. Thomas is hereby assigned to the command of the Fifth Military District, created by the act of Congress passed on the 2d day of March, 1867.

Major-General P. H. Sheridan is hereby assigned to the command of the Department of the Missouri.

LOUISIANA OUTRAGES—ATTACK ON POLICE IN NEW ORLEANS

RECONSTRUCTION TROUBLES.

The preceding picture shows an anti-negro riot in New Orleans in July, 1866. Riots of this nature inflamed the North against the newly-conquered South, and made the difficulties of reconstruction all the more severe. On this particular occasion 40 negroes and white radicals were killed and 136 were wounded. (For a complete account of the Reconstruction period in American history, see the Encyclopedic Index articles Reconstruction, Reconstruction Acts, Reconstruction of Southern States, and Restoration of Southern States.)

Major-General Winfield S. Hancock is hereby assigned to the command of the Department of the Cumberland.

The Secretary of War *ad interim* will give the necessary instructions to carry this order into effect.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., August 26, 1867.

General U. S. GRANT,
Secretary of War ad interim.

SIR: In consequence of the unfavorable condition of the health of Major-General George H. Thomas, as reported to you in Surgeon Hasson's dispatch of the 21st instant, my order dated August 17, 1867, is hereby modified so as to assign Major-General Winfield S. Hancock to the command of the Fifth Military District, created by the act of Congress passed March 2, 1867, and of the military department comprising the States of Louisiana and Texas. On being relieved from the command of the Department of the Missouri by Major-General P. H. Sheridan, Major-General Hancock will proceed directly to New Orleans, La., and, assuming the command to which he is hereby assigned, will, when necessary to a faithful execution of the laws, exercise any and all powers conferred by acts of Congress upon district commanders and any and all authority pertaining to officers in command of military departments.

Major-General P. H. Sheridan will at once turn over his present command to the officer next in rank to himself, and, proceeding without delay to Fort Leavenworth, Kans., will relieve Major-General Hancock of the command of the Department of the Missouri.

Major-General George H. Thomas will until further orders remain in command of the Department of the Cumberland.

Very respectfully, yours,

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., August 26, 1867.

Brevet Major-General Edward R. S. Canby is hereby assigned to the command of the Second Military District, created by the act of Congress of March 2, 1867, and of the Military Department of the South, embracing the States of North Carolina and South Carolina. He will, as soon as practicable, relieve Major-General Daniel E. Sickles, and, on assuming the command to which he is hereby assigned, will, when necessary to a faithful execution of the laws, exercise any and all powers conferred by acts of Congress upon district commanders and any and all authority pertaining to officers in command of military departments.

Major-General Daniel E. Sickles is hereby relieved from the command of the Second Military District.

The Secretary of War *ad interim* will give the necessary instructions to carry this order into effect.

ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., September 4, 1867.

The heads of the several Executive Departments of the Government are instructed to furnish each person holding an appointment in their respective Departments with an official copy of the proclamation of the President bearing date the 3d instant, with directions strictly to observe its requirements for an earnest support of the Constitution of the United States and a faithful execution of the laws which have been made in pursuance thereof.

ANDREW JOHNSON.

[NOTE.—The Fortieth Congress, second session, met December 2, 1867, in conformity to the Constitution of the United States, and on July 27, 1868, in accordance with the concurrent resolution of July 24, adjourned to September 21; again met September 21, and adjourned to October 16; again met October 16, and adjourned to November 10; again met November 10 and adjourned to December 7, 1868; the latter meetings and adjournments being in accordance with the concurrent resolution of September 21.]

THIRD ANNUAL MESSAGE.

WASHINGTON, *December 3, 1867.*

Fellow-Citizens of the Senate and House of Representatives:

The continued disorganization of the Union, to which the President has so often called the attention of Congress, is yet a subject of profound and patriotic concern. We may, however, find some relief from that anxiety in the reflection that the painful political situation, although before untried by ourselves, is not new in the experience of nations. Political science, perhaps as highly perfected in our own time and country as in any other, has not yet disclosed any means by which civil wars can be absolutely prevented. An enlightened nation, however, with a wise and beneficent constitution of free government, may diminish their frequency and mitigate their severity by directing all its proceedings in accordance with its fundamental law.

When a civil war has been brought to a close, it is manifestly the first interest and duty of the state to repair the injuries which the war has inflicted, and to secure the benefit of the lessons it teaches as fully and as speedily as possible. This duty was, upon the termination of the rebellion, promptly accepted, not only by the executive department, but by the insurrectionary States themselves, and restoration in the first moment of peace was believed to be as easy and certain as it was indispensable. The expectations, however, then so reasonably and confidently entertained were disappointed by legislation from which I felt constrained by my obligations to the Constitution to withhold my assent.

It is therefore a source of profound regret that in complying with the obligation imposed upon the President by the Constitution to give to Congress from time to time information of the state of the Union I am unable to communicate any definitive adjustment, satisfactory to the American people, of the questions which since the close of the rebellion have agitated the public mind. On the contrary, candor compels me to declare that at this time there is no Union as our fathers understood the term, and as they meant it to be understood by us. The Union which they established can exist only where all the States are represented in both Houses of Congress; where one State is as free as another to regulate its internal concerns according to its own will, and where the laws of the central Government, strictly confined to matters of national jurisdiction, apply with equal force to all the people of every section. That such is not the present "state of the Union" is a melancholy fact, and we must all acknowledge that the restoration of the States to their proper legal relations with the Federal Government and with one another, according to the terms of the original compact, would be the greatest temporal blessing which God, in His kindest providence, could bestow upon this nation. It becomes our imperative duty to consider whether or not it is impossible to effect this most desirable consummation.

The Union and the Constitution are inseparable. As long as one is obeyed by all parties, the other will be preserved; and if one is destroyed, both must perish together. The destruction of the Constitution will be followed by other and still greater calamities. It was ordained not only to form a more perfect union between the States, but to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Nothing but implicit obedience to its requirements in all parts of the country will accomplish these great ends. Without that obedience we can look forward only to continual outrages upon individual rights, incessant breaches of the public peace, national weakness, financial dishonor, the total loss of our prosperity, the general corruption of morals, and the final extinction of popular freedom. To save our country from evils so appalling as these, we should renew our efforts again and again.

To me the process of restoration seems perfectly plain and simple. It consists merely in a faithful application of the Constitution and laws. The execution of the laws is not now obstructed or opposed by physical force. There is no military or other necessity, real or pretended, which can prevent obedience to the Constitution, either North or South. All the rights and all the obligations of States and individuals can be protected and enforced by means perfectly consistent with the fundamental law. The courts may be everywhere open, and if open their process would be unimpeded. Crimes against the United States can be prevented or punished by the proper judicial authorities in a manner entirely practicable and legal. There is therefore no reason why the Constitution should not be obeyed, unless those who exercise its powers have determined that it shall be disregarded and violated. The mere naked will of this Government, or of some one or more of its branches, is the only obstacle that can exist to a perfect union of all the States.

On this momentous question and some of the measures growing out of it I have had the misfortune to differ from Congress, and have expressed my convictions without reserve, though with becoming deference to the opinion of the legislative department. Those convictions are not only unchanged, but strengthened by subsequent events and further reflection The transcendent importance of the subject will be a sufficient excuse for calling your attention to some of the reasons which have so strongly influenced my own judgment. The hope that we may all finally concur in a mode of settlement consistent at once with our true interests and with our sworn duties to the Constitution is too natural and too just to be easily relinquished.

It is clear to my apprehension that the States lately in rebellion are still members of the National Union. When did they cease to be so? The "ordinances of secession" adopted by a portion (in most of them a very small portion) of their citizens were mere nullities. If we admit now that they were valid and effectual for the purpose intended by their authors, we sweep from under our feet the whole ground upon which we justified the war. Were those States afterwards expelled from the Union by the war? The direct contrary was averred by this Government to be its purpose, and was so understood by all those who gave their blood and treasure to aid in its prosecution. It can not be that a successful war, waged for the preservation of the Union, had the legal effect of dissolving it. The victory of the nation's arms was not the disgrace of her policy; the defeat of secession on the battlefield was not the triumph of its lawless principle. Nor could Congress, with or without the consent of the Executive, do anything which would have the effect, directly or indirectly, of separating the States from each other. To dissolve the Union is to repeal the Constitution which holds it together, and that is a power which does not belong to any department of this Government, or to all of them united.

This is so plain that it has been acknowledged by all branches of the Federal Government. The Executive (my predecessor as well as myself) and the heads of all the Departments have uniformly acted upon the principle that the Union is not only undissolved, but indissoluble. Congress submitted an amendment of the Constitution to be ratified by the Southern States, and accepted their acts of ratification as a necessary and lawful exercise of their highest function. If they were not States, or were States out of the Union, their consent to a change in the fundamental law of the Union would have been nugatory, and Congress in asking it committed a political absurdity. The judiciary has also given the solemn sanction of its authority to the same view of the case. The judges of the Supreme Court have included the Southern States in their circuits, and they are constantly, *in banc* and elsewhere, exercising jurisdiction which does not belong to them unless those States are States of the Union.

If the Southern States are component parts of the Union, the Constitution is the supreme law for them, as it is for all the other States. They are bound to obey it, and so are we. The right of the Federal Government, which is clear and unquestionable, to enforce the Constitution upon them implies the correlative obligation on our part to observe its limitations and execute its guaranties. Without the Constitution we are nothing; by, through, and under the Constitution we are what it makes us. We may doubt the wisdom of the law, we may not approve of its provisions, but we can not violate it merely because it seems to confine our powers within limits narrower than we could wish. It is not a question of individual or class or sectional interest, much less of party predominance, but of duty—of high and sacred duty—which we are all sworn to perform. If we can not support the Constitution with the cheerful alacrity of those who love and believe in it, we must give to it at least the fidelity of public servants who act under solemn obligations and commands which they dare not disregard.

The constitutional duty is not the only one which requires the States to be restored. There is another consideration which, though of minor importance, is yet of great weight. On the 22d day of July, 1861, Congress declared by an almost unanimous vote of both Houses that the war should be conducted solely for the purpose of preserving the Union and maintaining the supremacy of the Federal Constitution and laws, without impairing the dignity, equality, and rights of the States or of individuals, and that when this was done the war should cease. I do not say that this declaration is personally binding on those who joined in making it, any more than individual members of Congress are personally bound to pay a public debt created under a law for which they voted. But it was a solemn, public, official pledge of the national honor, and I can not imagine upon what grounds the repudiation of it is to be justified. If it be said that we are not bound to keep faith with rebels, let it be remembered that this promise was not made to rebels only. Thousands of true men in the South were drawn to our standard by it, and hundreds of thousands in the North gave their lives in the belief that it would be carried out. It was made on the day after the first great battle of the war had been fought and lost. All patriotic and intelligent men then saw the necessity of giving such an assurance, and believed that without it the war would end in disaster to our cause. Having given that assurance in the extremity of our peril, the violation of it now, in the day of our power, would be a rude rending of that good faith which holds the moral world together; our country would cease to have any claim upon the confidence of men; it would make the war not only a failure, but a fraud.

Being sincerely convinced that these views are correct, I would be unfaithful to my duty if I did not recommend the repeal of the acts of Congress which place ten of the Southern States under the domination of military masters. If calm reflection shall satisfy a majority of your honorable bodies that the acts referred to are not only a violation of the national faith, but in direct conflict with the Constitution, I dare not permit myself to doubt that you will immediately strike them from the statute book.

To demonstrate the unconstitutional character of those acts I need do no more than refer to their general provisions. It must be seen at once that they are not authorized. To dictate what alterations shall be made in the constitutions of the several States; to control the elections of State legislators and State officers, members of Congress and electors of President and Vice-President, by arbitrarily declaring who shall vote and who shall be excluded from that privilege; to dissolve State legislatures or prevent them from assembling; to dismiss judges and other civil functionaries of the State and appoint others without regard to State law; to organize and operate all the political machinery of the States; to regulate the whole administration of their domestic and local affairs according to the mere will of strange and irresponsible agents, sent among them for that purpose—these are powers not granted to the Federal Government or to any one of its branches. Not being granted, we violate our trust by assuming them as palpably as we would by acting in the face of a positive interdict; for the Constitution forbids us to do whatever it does not affirmatively authorize, either by express words or by clear implication. If the authority we desire to use does not come to us through the Constitution, we can exercise it only by usurpation, and usurpation is the most dangerous of political crimes. By that crime the enemies of free government in all ages have worked out their designs against public liberty and private right. It leads directly and immediately to the establishment of absolute rule, for undelegated power is always unlimited and unrestrained.

The acts of Congress in question are not only objectionable for their assumption of ungranted power, but many of their provisions are in conflict with the direct prohibitions of the Constitution. The Constitution commands that a republican form of government shall be guaranteed to all the States; that no person shall be deprived of life, liberty, or property without due process of law, arrested without a judicial warrant, or punished without a fair trial before an impartial jury; that the privilege of *habeas corpus* shall not be denied in time of peace, and that no bill of attainder shall be passed even against a single individual. Yet the system of measures established by these acts of Congress does totally subvert and destroy the form as well as the substance of republican government in the ten States to which they apply. It binds them hand and foot in absolute slavery, and subjects them to a strange and hostile power, more unlimited and more likely to be abused than any other now known among civilized men. It tramples down all those rights in which the essence of liberty consists, and which a free government is always most careful to protect. It denies the *habeas corpus* and the trial by jury. Personal freedom, property, and life, if assailed by the passion, the prejudice, or the rapacity of the ruler, have no security whatever. It has the effect of a bill of attainder or bill of pains and penalties, not upon a few individuals, but upon whole masses, including the millions who inhabit the subject States, and even their unborn children. These wrongs, being expressly forbidden, can not be constitutionally inflicted upon any portion of our people, no matter how they may have come within our jurisdiction, and no matter whether they live in States, Territories, or districts.

I have no desire to save from the proper and just consequences of their great crime those who engaged in rebellion against the Government, but as a mode of punishment the measures under consideration are the most unreasonable that could be invented. Many of those people are perfectly innocent; many kept their fidelity to the Union untainted to the last; many were incapable of any legal offense; a large proportion even of the persons able to bear arms were forced into rebellion against their will, and of those who are guilty with their own consent the degrees of guilt are as various as the shades of their character and temper. But these acts of Congress confound them all together in one common doom. Indiscriminate vengeance upon classes, sects, and parties, or upon whole communities, for offenses committed by a portion of them against the governments to which they owed obedience was common in the barbarous ages of the world; but Christianity and civilization have made such progress that recourse to a punishment so cruel and unjust would meet with the condemnation of all unprejudiced and right-minded men. The punitive justice of this age, and especially of this country, does not consist in stripping whole States of their liberties and reducing all their people, without distinction, to the condition of slavery. It deals separately with each individual, confines itself to the forms of law, and vindicates its own purity by an impartial examination of every case before a competent judicial tribunal. If this does not satisfy all our desires with regard to Southern rebels, let us console ourselves by reflecting that a free Constitution, triumphant in war and unbroken in peace, is worth far more to us and our children than the gratification of any present feeling.

I am aware it is assumed that this system of government for the Southern States is not to be perpetual. It is true this military government is to be only provisional, but it is through this temporary evil that a greater evil is to be made perpetual. If the guaranties of the Constitution can be broken provisionally to serve a temporary purpose, and in a part only of the country, we can destroy them everywhere and for all time. Arbitrary measures often change, but they generally change for the worse. It is the curse of despotism that it has no halting place. The intermitted exercise of its power brings no sense of security to its subjects, for they can never know what more they will be called to endure when its red right hand is armed to plague them again. Nor is it possible to conjecture how or where power, unrestrained by law, may seek its next victims. The States that are still free may be enslaved at any moment; for if the Constitution does not protect all, it protects none.

It is manifestly and avowedly the object of these laws to confer upon negroes the privilege of voting and to disfranchise such a number of white citizens as will give the former a clear majority at all elections in the Southern States. This, to the minds of some persons, is so important that a violation of the Constitution is justified as a means of bringing it about. The morality is always false which excuses a wrong because it proposes to accomplish a desirable end. We are not permitted to do evil that good may come. But in this case the end itself is evil, as well as the means. The subjugation of the States to negro domination would be worse than the military despotism under which they are now suffering. It was believed beforehand that the people would endure any amount of military oppression for any length of time rather than degrade themselves by subjection to the negro race. Therefore they have been left without a choice. Negro suffrage was established by act of Congress, and the military officers were commanded to superintend the process of clothing the negro race with the political privileges torn from white men.

The blacks in the South are entitled to be well and humanely governed, and to have the protection of just laws for all their rights of person and property. If it were practicable at this time to give them a Government exclusively their own, under which they might manage their own affairs in their own way, it would become a grave question whether we ought to do so, or whether common humanity would not require us to save them from themselves. But under the circumstances this is only a speculative point. It is not proposed merely that they shall govern themselves, but that they shall rule the white race, make and administer State laws, elect Presidents and members of Congress, and shape to a greater or less extent the future destiny of the whole country. Would such a trust and power be safe in such hands?

The peculiar qualities which should characterize any people who are fit to decide upon the management of public affairs for a great state have seldom been combined. It is the glory of white men to know that they have had these qualities in sufficient measure to build upon this continent a great political fabric and to preserve its stability for more than ninety years, while in every other part of the world all similar experiments have failed. But if anything can be proved by known facts, if all reasoning upon evidence is not abandoned, it must be acknowledged that in the progress of nations negroes have shown less capacity for government than any other race of people. No independent government of any form has ever been successful in their hands. On the contrary, wherever they have been left to their own devices they have shown a constant tendency to relapse into barbarism. In the Southern States, however, Congress has undertaken to confer upon them the privilege of the ballot. Just released from slavery, it may be doubted whether as a class they know more than their ancestors how to organize and regulate civil society. Indeed, it is admitted that the blacks of the South are not only regardless of the rights of property, but so utterly ignorant of public affairs that their voting can consist in nothing more than carrying a ballot to the place where they are directed to deposit it. I need not remind you that the exercise of the elective franchise is the highest attribute of an American citizen, and that when guided by virtue, intelligence, patriotism, and a proper appreciation of our free institutions it constitutes the true basis of a democratic form of government, in which the sovereign power is lodged in the body of the people. A trust artificially created, not for its own sake, but solely as a means of promoting the general welfare, its influence for good must necessarily depend upon the elevated character and true allegiance of the elector. It ought, therefore, to be reposed in none except those who are fitted morally and mentally to administer it well; for if conferred upon persons who do not justly estimate its value and who are indifferent as to its results, it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventuate in the complete destruction of that liberty of which it should be the most powerful conservator. I have therefore heretofore urged upon your attention the great danger—

> to be apprehended from an untimely extension of the elective franchise to any new class in our country, especially when the large majority of that class, in wielding the power thus placed in their hands, can not be expected correctly to comprehend the duties and responsibilities which pertain to suffrage. Yesterday, as it were, 4,000,000 persons were held in a condition of slavery that had existed for generations; to-day they are freemen and are assumed by law to be citizens. It can not be presumed, from their previous condition of servitude, that as a class they are as well informed as to the nature of our Government as the intelligent foreigner who makes our land the home of his choice. In the case of the latter neither a residence of five years and the knowledge of our institutions which it gives nor attachment to the principles of the Constitution are the only conditions upon which he can be admitted to citizenship; he must prove in addition a good moral character, and thus give reasonable ground for the belief that he will be faithful to the obligations which he assumes as a citizen of the Republic. Where a people—the source of all political power—speak by their suffrages through the instrumentality of the ballot box, it must be carefully guarded against the control of those who are corrupt in principle and enemies of free institutions, for it can only become to our political and social system a safe conductor

of healthy popular sentiment when kept free from demoralizing influences. Controlled through fraud and usurpation by the designing, anarchy and despotism must inevitably follow. In the hands of the patriotic and worthy our Government will be preserved upon the principles of the Constitution inherited from our fathers. It follows, therefore, that in admitting to the ballot box a new class of voters not qualified for the exercise of the elective franchise we weaken our system of government instead of adding to its strength and durability.

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I yield to no one in attachment to that rule of general suffrage which distinguishes our policy as a nation. But there is a limit, wisely observed hitherto, which makes the ballot a privilege and a trust, and which requires of some classes a time suitable for probation and preparation. To give it indiscriminately to a new class, wholly unprepared by previous habits and opportunities to perform the trust which it demands, is to degrade it, and finally to destroy its power, for it may be safely assumed that no political truth is better established than that such indiscriminate and all-embracing extension of popular suffrage must end at last in its destruction.

I repeat the expression of my willingness to join in any plan within the scope of our constitutional authority which promises to better the condition of the negroes in the South, by encouraging them in industry, enlightening their minds, improving their morals, and giving protection to all their just rights as freedmen. But the transfer of our political inheritance to them would, in my opinion, be an abandonment of a duty which we owe alike to the memory of our fathers and the rights of our children.

The plan of putting the Southern States wholly and the General Government partially into the hands of negroes is proposed at a time peculiarly unpropitious. The foundations of society have been broken up by civil war. Industry must be reorganized, justice reestablished, public credit maintained, and order brought out of confusion. To accomplish these ends would require all the wisdom and virtue of the great men who formed our institutions originally. I confidently believe that their descendants will be equal to the arduous task before them, but it is worse than madness to expect that negroes will perform it for us. Certainly we ought not to ask their assistance till we despair of our own competency.

The great difference between the two races in physical, mental, and moral characteristics will prevent an amalgamation or fusion of them together in one homogeneous mass. If the inferior obtains the ascendency over the other, it will govern with reference only to its own interests—for it will recognize no common interest—and create such a tyranny as this continent has never yet witnessed. Already the negroes are influenced by promises of confiscation and plunder. They are taught to regard as an enemy every white man who has any respect for the rights of his own race. If this continues it must become worse and worse, until all order will be subverted, all industry cease, and the fertile fields of the South grow up into a wilderness. Of all the dangers which our nation has yet encountered, none are equal to those which must result from the success of the effort now making to Africanize the half of our country.

I would not put considerations of money in competition with justice and right; but the expenses incident to "reconstruction" under the system adopted by Congress aggravate what I regard as the intrinsic wrong of the measure itself. It has cost uncounted millions already, and if persisted in will add largely to the weight of taxation, already too oppressive to be borne without just complaint, and may finally reduce the Treasury of the nation to a condition of bankruptcy. We must not delude ourselves. It will require a strong standing army and probably more than $200,000,000 per annum to maintain the supremacy of negro governments after they are established. The sum thus thrown away would, if properly used, form a sinking fund large enough to pay the whole national debt in less than fifteen years. It is vain to hope that negroes will maintain their ascendency themselves. Without military power they are wholly incapable of holding in subjection the white people of the South.

I submit to the judgment of Congress whether the public credit may not be injuriously affected by a system of measures like this. With our debt and the vast private interests which are complicated with it, we can not be too cautious of a policy which might by possibility impair the confidence of the world in our Government. That confidence can only be retained by carefully inculcating the principles of justice and honor on the popular mind and by the most scrupulous fidelity to all our engagements of every sort. Any serious breach of the organic law, persisted in for a considerable time, can not but create fears for the stability of our institutions. Habitual violation of prescribed rules, which we bind ourselves to observe, must demoralize the people. Our only standard of civil duty being set at naught, the sheet anchor of our political morality is lost, the public conscience swings from its moorings and yields to every impulse of passion and interest. If we repudiate the Constitution, we will not be expected to care much for mere pecuniary obligations. The violation of such a pledge as we made on the 22d day of July, 1861, will assuredly diminish the market value of our other promises. Besides, if we acknowledge that the national debt was created, not to hold the States in the Union, as the taxpayers were led to suppose, but to expel them from it and hand them over to be governed by negroes, the moral duty to pay it may seem much less clear. I say it may *seem* so, for I do not admit that this or any other argument in favor of repudiation can be entertained as sound; but its influence on some classes of minds may well be apprehended. The financial honor of a great commercial nation, largely indebted and with a republican form of government administered by agents of the popular choice, is a thing of such delicate texture and the destruction of it would be followed by such unspeakable calamity that every true patriot must desire to avoid whatever might expose it to the slightest danger.

The great interests of the country require immediate relief from these enactments. Business in the South is paralyzed by a sense of general insecurity, by the terror of confiscation, and the dread of negro supremacy.

The Southern trade, from which the North would have derived so great a profit under a government of law, still languishes, and can never be revived until it ceases to be fettered by the arbitrary power which makes all its operations unsafe. That rich country—the richest in natural resources the world ever saw—is worse than lost if it be not soon placed under the protection of a free constitution. Instead of being, as it ought to be, a source of wealth and power, it will become an intolerable burden upon the rest of the nation.

Another reason for retracing our steps will doubtless be seen by Congress in the late manifestations of public opinion upon this subject. We live in a country where the popular will always enforces obedience to itself, sooner or later. It is vain to think of opposing it with anything short of legal authority backed by overwhelming force. It can not have escaped your attention that from the day on which Congress fairly and formally presented the proposition to govern the Southern States by military force, with a view to the ultimate establishment of negro supremacy, every expression of the general sentiment has been more or less adverse to it. The affections of this generation can not be detached from the institutions of their ancestors. Their determination to preserve the inheritance of free government in their own hands and transmit it undivided and unimpaired to their own posterity is too strong to be successfully opposed. Every weaker passion will disappear before that love of liberty and law for which the American people are distinguished above all others in the world.

How far the duty of the President "to preserve, protect, and defend the Constitution" requires him to go in opposing an unconstitutional act of Congress is a very serious and important question, on which I have deliberated much and felt extremely anxious to reach a proper conclusion. Where an act has been passed according to the forms of the Constitution by the supreme legislative authority, and is regularly enrolled among the public statutes of the country, Executive resistance to it, especially in times of high party excitement, would be likely to produce violent collision between the respective adherents of the two branches of the Government. This would be simply civil war, and civil war must be resorted to only as the last remedy for the worst of evils. Whatever might tend to provoke it should be most carefully avoided. A faithful and conscientious magistrate will concede very much to honest error, and something even to perverse malice, before he will endanger the public peace; and he will not adopt forcible measures, or such as might lead to force, as long as those which are peaceable remain open to him or to his constituents. It is true that cases may occur in which the Executive would be compelled to stand on its rights, and maintain them regardless of all consequences. If Congress should pass an act which is not only in palpable conflict with the Constitution, but will certainly, if carried out, produce immediate and irreparable injury to the organic structure of the Government, and if there be neither judicial remedy for the wrongs it inflicts nor power in the people to protect themselves without the official aid of their elected defender—if, for instance, the legislative department should pass an act even through all the forms of law to abolish a coordinate department of the Government—in such a case the President must take the high responsibilities of his office and save the life of the nation at all hazards. The so-called reconstruction acts, though as plainly unconstitutional as any that can be imagined, were not believed to be within the class last mentioned. The people were not wholly disarmed of the power of self-defense. In all the Northern States they still held in their hands the sacred right of the ballot, and it was safe to believe that in due time they would come to the rescue of their own institutions. It gives me pleasure to add that the appeal to our common constituents was not taken in vain, and that my confidence in their wisdom and virtue seems not to have been misplaced.

It is well and publicly known that enormous frauds have been perpetrated on the Treasury and that colossal fortunes have been made at the public expense. This species of corruption has increased, is increasing, and if not diminished will soon bring us into total ruin and disgrace. The public creditors and the taxpayers are alike interested in an honest administration of the finances, and neither class will long endure the large-handed robberies of the recent past. For this discreditable state of things there are several causes. Some of the taxes are so laid as to present an irresistible temptation to evade payment. The great sums which officers may win by connivance at fraud create a pressure which is more than the virtue of many can withstand, and there can be no doubt that the open disregard of constitutional obligations avowed by some of the highest and most influential men in the country has greatly weakened the moral sense of those who serve in subordinate places. The expenses of the United States, including interest on the public debt, are more than six times as much as they were seven years ago. To collect and disburse this vast amount requires careful supervision as well as systematic vigilance. The system, never perfected, was much disorganized by the "tenure-of-office bill," which has almost destroyed official accountability. The President may be thoroughly convinced that an officer is incapable, dishonest, or unfaithful to the Constitution, but under the law which I have named the utmost he can do is to complain to the Senate and ask the privilege of supplying his place with a better man. If the Senate be regarded as personally or politically hostile to the President, it is natural, and not altogether unreasonable, for the officer to expect that it will take his part as far as possible, restore him to his place, and give him a triumph over his Executive superior. The officer has other chances of impunity arising from accidental defects of evidence, the mode of investigating it, and the secrecy of the hearing. It is not wonderful that official malfeasance should become bold in proportion as the delinquents learn to think themselves safe. I am entirely persuaded that under such a rule the President can not perform the great duty assigned to him of seeing the laws faithfully executed, and that it disables him most especially from enforcing that rigid accountability which is necessary to the due execution of the revenue laws.

The Constitution invests the President with authority to *decide* whether a removal should be made in any given case; the act of Congress declares in substance that he shall only *accuse* such as he supposes to be unworthy of their trust. The Constitution makes him sole *judge* in the premises, but the statute takes away his jurisdiction, transfers it to the Senate, and leaves him nothing but the odious and sometimes impracticable duty of becoming a *prosecutor*. The prosecution is to be conducted before a tribunal whose members are not, like him, responsible to the whole people, but to separate constituent bodies, and who may hear his accusation with great disfavor. The Senate is absolutely without any known standard of decision applicable to such a case. Its judgment can not be anticipated, for it is not governed by any rule. The law does not define what shall be deemed good cause for removal. It is impossible even to conjecture what may or may not be so considered by the Senate. The nature of the subject forbids clear proof. If the charge be incapacity, what evidence will support it? Fidelity to the Constitution may be understood or misunderstood in a thousand different ways, and by violent party men, in violent party times, unfaithfulness to the Constitution may even come to be considered meritorious. If the officer be accused of dishonesty, how shall it be made out? Will it be inferred from acts unconnected with public duty, from private history, or from general reputation, or must the President await the commission of an actual misdemeanor in office? Shall he in the meantime risk the character and interest of the nation in the hands of men to whom he can not give his confidence? Must he forbear his complaint until the mischief is done and can not be prevented? If his zeal in the public service should impel him to anticipate the overt act, must he move at the peril of being tried himself for the offense of slandering his subordinate? In the present circumstances of the country someone must be held responsible for official delinquency of every kind. It is extremely difficult to say where that responsibility should be thrown if it be not left where it has been placed by the Constitution. But all just men will admit that the President ought to be entirely relieved from such responsibility if he can not meet it by reason of restrictions placed by law upon his action.

The unrestricted power of removal from office is a very great one to be trusted even to a magistrate chosen by the general suffrage of the whole people and accountable directly to them for his acts. It is undoubtedly liable to abuse, and at some periods of our history perhaps has been abused. If it be thought desirable and constitutional that it should be so limited as to make the President merely a common informer against other public agents, he should at least be permitted to act in that capacity before some open tribunal, independent of party politics, ready to investigate the merits of every case, furnished with the means of taking evidence, and bound to decide according to established rules. This would guarantee the safety of the accuser when he acts in good faith, and at the same time secure the rights of the other party. I speak, of course, with all proper respect for the present Senate, but it does not seem to me that any legislative body can be so constituted as to insure its fitness for these functions.

It is not the theory of this Government that public offices are the property of those who hold them. They are given merely as a trust for the public benefit, sometimes for a fixed period, sometimes during good behavior, but generally they are liable to be terminated at the pleasure of the appointing power, which represents the collective majesty and speaks the will of the people. The forced retention in office of a single dishonest person may work great injury to the public interests. The danger to the public service comes not from the power to remove, but from the power to appoint. Therefore it was that the framers of the Constitution left the power of removal unrestricted, while they gave the Senate a right to reject all appointments which in its opinion were not fit to be made. A little reflection on this subject will probably satisfy all who have the good of the country at heart that our best course is to take the Constitution for our guide, walk in the path marked out by the founders of the Republic, and obey the rules made sacred by the observance of our great predecessors.

The present condition of our finances and circulating medium is one to which your early consideration is invited.

The proportion which the currency of any country should bear to the whole value of the annual produce circulated by its means is a question upon which political economists have not agreed. Nor can it be controlled by legislation, but must be left to the irrevocable laws which everywhere regulate commerce and trade. The circulating medium will ever irresistibly flow to those points where it is in greatest demand. The law of demand and supply is as unerring as that which regulates the tides of the ocean; and, indeed, currency, like the tides, has its ebbs and flows throughout the commercial world.

At the beginning of the rebellion the bank-note circulation of the country amounted to not much more than $200,000,000; now the circulation of national-bank notes and those known as "legal-tenders" is nearly seven hundred millions. While it is urged by some that this amount should be increased, others contend that a decided reduction is absolutely essential to the best interests of the country. In view of these diverse opinions, it may be well to ascertain the real value of our paper issues when compared with a metallic or convertible currency. For this purpose let us inquire how much gold and silver could be purchased by the seven hundred millions of paper money now in circulation. Probably not more than half the amount of the latter, showing that when our paper currency is compared with gold and silver its commercial value is compressed into three hundred and fifty millions. This striking fact makes it the obvious duty of the Government, as early as may be consistent with the principles of sound political economy, to take such measures as will enable the holder of its notes and those of the national banks to convert them without loss into specie or its equivalent. A reduction of our paper circulating medium need not necessarily follow. This, however, would depend upon the law of demand and supply, though it should be borne in mind that by making legal-tender and bank notes convertible into coin or its equivalent their present specie value in the hands of their holders would be enhanced 100 per cent.

Legislation for the accomplishment of a result so desirable is demanded by the highest public considerations. The Constitution contemplates that the circulating medium of the country shall be uniform in quality and value. At the time of the formation of that instrument the country had just emerged from the War of the Revolution, and was suffering from the effects of a redundant and worthless paper currency. The sages of that period were anxious to protect their posterity from the evils that they themselves had experienced. Hence in providing a circulating medium they conferred upon Congress the power to coin money and regulate the value thereof, at the same time prohibiting the States from making anything but gold and silver a tender in payment of debts.

The anomalous condition of our currency is in striking contrast with that which was originally designed. Our circulation now embraces, first, notes of the national banks, which are made receivable for all dues to the Government, excluding imposts, and by all its creditors, excepting in payment of interest upon its bonds and the securities themselves; second, legal-tender notes, issued by the United States, and which the law requires shall be received as well in payment of all debts between citizens as of all Government dues, excepting imposts; and, third, gold and silver coin. By the operation of our present system of finance, however, the metallic currency, when collected, is reserved only for one class of Government creditors, who, holding its bonds, semiannually receive their interest in coin from the National Treasury. They are thus made to occupy an invidious position, which may be used to strengthen the arguments of those who would bring into disrepute the obligations of the nation. In the payment of all its debts the plighted faith of the Government should be inviolably maintained. But while it acts with fidelity toward the bondholder who loaned his money that the integrity of the Union might be preserved, it should at the same time observe good faith with the great masses of the people, who, having rescued the Union from the perils of rebellion, now bear the burdens of taxation, that the Government may be able to fulfill its engagements. There is no reason which will be accepted as satisfactory by the people why those who defend us on the land and protect us on the sea; the pensioner upon the gratitude of the nation, bearing the scars and wounds received while in its service; the public servants in the various Departments of the Government; the farmer who supplies the soldiers of the Army and the sailors of the Navy; the artisan who toils in the nation's workshops, or the mechanics and laborers who build its edifices and construct its forts and vessels of war, should, in payment of their just and hard-earned dues, receive depreciated paper, while another class of their countrymen, no more deserving, are paid in coin of gold and silver. Equal and exact justice requires that all the creditors of the Government should be paid in a currency possessing a uniform value. This can only be accomplished by the restoration of the currency to the standard established by the Constitution; and by this means we would remove a discrimination which may, if it has not already done so, create a prejudice that may become deep rooted and widespread and imperil the national credit.

The feasibility of making our currency correspond with the constitutional standard may be seen by reference to a few facts derived from our commercial statistics.

The production of precious metals in the United States from 1849 to 1857, inclusive, amounted to $579,000,000; from 1858 to 1860, inclusive, to $137,500,000, and from 1861 to 1867, inclusive, to $457,500,000—making the grand aggregate of products since 1849 $1,174,000,000. The amount of specie coined from 1849 to 1857 inclusive, was $439,000,000; from 1858 to 1860, inclusive, $125,000,000, and from 1861 to 1867, inclusive, $310,000,000—making the total coinage since 1849 $874,000,000. From 1849 to 1857, inclusive, the net exports of specie amounted to $271,000,000; from 1858 to 1860, inclusive, to $148,000,000, and from 1861 to 1867, inclusive, $322,000,000—making the aggregate of net exports since 1849 $741,000,000. These figures show an excess of product over net exports of $433,000,000. There are in the Treasury $111,000,000 in coin, something more than $40,000,000 in circulation on the Pacific Coast, and a few millions in the national and other banks—in all about $160,000,000. This, however, taking into account the specie in the country prior to 1849, leaves more than $300,000,000 which have not been accounted for by exportation, and therefore may yet remain in the country.

These are important facts and show how completely the inferior currency will supersede the better, forcing it from circulation among the masses and causing it to be exported as a mere article of trade, to add to the money capital of foreign lands. They show the necessity of retiring our paper money, that the return of gold and silver to the avenues of trade may be invited and a demand created which will cause the retention at home of at least so much of the productions of our rich and inexhaustible gold-bearing fields as may be sufficient for purposes of circulation. It is unreasonable to expect a return to a sound currency so long as the Government by continuing to issue irredeemable notes fills the channels of circulation with depreciated paper. Notwithstanding a coinage by our mints, since 1849, of $874,000,000, the people are now strangers to the currency which was designed for their use and benefit, and specimens of the precious metals bearing the national device are seldom seen, except when produced to gratify the interest excited by their novelty. If depreciated paper is to be continued as the permanent currency of the country, and all our coin is to become a mere article of traffic and speculation, to the enhancement in price of all that is indispensable to the comfort of the people, it would be wise economy to abolish our mints, thus saving the nation the care and expense incident to such establishments, and let all our precious metals be exported in bullion. The time has come, however, when the Government and national banks should be required to take the most efficient steps and make all necessary arrangements for a resumption of specie payments at the earliest practicable period. Specie payments having been once resumed by the Government and banks, all notes or bills of paper issued by either of a less denomination than $20 should by law be excluded from circulation, so that the people may have the benefit and convenience of a gold and silver currency which in all their business transactions will be uniform in value at home and abroad.

> Every man of property or industry, every man who desires to preserve what he honestly possesses or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium—such a medium as shall be real and substantial, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but to be made stable and secure. A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system and encourages propensities destructive of its happiness; it wars against industry, frugality, and economy, and it fosters the evil spirits of extravagance and speculation.

It has been asserted by one of our profound and most gifted statesmen that—

> Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's fields by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of the community compared with a fraudulent currency and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well disposed of a degraded paper currency authorized by law or in any way countenanced by government.

It is one of the most successful devices, in times of peace or war, expansions or revulsions, to accomplish the transfer of all the precious metals from the great mass of the people into the hands of the few, where they are hoarded in secret places or deposited in strong boxes under bolts and bars, while the people are left to endure all the inconvenience, sacrifice, and demoralization resulting from the use of a depreciated and worthless paper money.

The condition of our finances and the operations of our revenue system are set forth and fully explained in the able and instructive report of the Secretary of the Treasury. On the 30th of June, 1866, the public debt amounted to $2,783,425,879; on the 30th of June last it was $2,692,199,215, showing a reduction during the fiscal year of $91,226,664. During the fiscal year ending June 30, 1867, the receipts were $490,634,010 and the expenditures $346,729,129, leaving an available surplus of $143,904,880. It is estimated that the receipts for the fiscal year ending June 30, 1868, will be $417,161,928 and that the expenditures will reach the sum of $393,269,226, leaving in the Treasury a surplus of $23,892,702. For the fiscal year ending June 30, 1869, it is estimated that the receipts will amount to $381,000,000 and that the expenditures will be $372,000,000, showing an excess of $9,000,000 in favor of the Government.

The attention of Congress is earnestly invited to the necessity of a thorough revision of our revenue system. Our internal-revenue laws and impost system should be so adjusted as to bear most heavily on articles of luxury, leaving the necessaries of life as free from taxation as may be consistent with the real wants of the Government, economically administered. Taxation would not then fall unduly on the man of moderate means; and while none would be entirely exempt from assessment, all, in proportion to their pecuniary abilities, would contribute toward the support of the State. A modification of the internal-revenue system, by a large reduction in the number of articles now subject to tax, would be followed by results equally advantageous to the citizen and the Government. It would render the execution of the law less expensive and more certain, remove obstructions to industry, lessen the temptations to evade the law, diminish the violations and frauds perpetrated upon its provisions, make its operations less inquisitorial, and greatly reduce in numbers the army of taxgatherers created by the system, who "take from the mouth of honest labor the bread it has earned." Retrenchment, reform, and economy should be carried into every branch of the public service, that the expenditures of the Government may be reduced and the people relieved from oppressive taxation; a sound currency should be restored, and the public faith in regard to the national debt sacredly observed. The accomplishment of these important results, together with the restoration of the Union of the States upon the principles of the Constitution, would inspire confidence at home and abroad in the stability of our institutions and bring to the nation prosperity, peace, and good will.

The report of the Secretary of War *ad interim* exhibits the operations of the Army and of the several bureaus of the War Department. The aggregate strength of our military force on the 30th of September last was 56,315. The total estimate for military appropriations is $77,124,707, including a deficiency in last year's appropriation of $13,600,000. The payments at the Treasury on account of the service of the War Department from January 1 to October 29, 1867—a period of ten months—amounted to $109,807,000. The expenses of the military establishment, as well as the numbers of the Army, are now three times as great as they have ever been in time of peace, while the discretionary power is vested in the Executive to add millions to this expenditure by an increase of the Army to the maximum strength allowed by the law.

The comprehensive report of the Secretary of the Interior furnishes interesting information in reference to the important branches of the public service connected with his Department. The menacing attitude of some of the warlike bands of Indians inhabiting the district of country between the Arkansas and Platte rivers and portions of Dakota Territory required the presence of a large military force in that region. Instigated by real or imaginary grievances, the Indians occasionally committed acts of barbarous violence upon emigrants and our frontier settlements; but a general Indian war has been providentially averted. The commissioners under the act of 20th July, 1867, were invested with full power to adjust existing difficulties, negotiate treaties with the disaffected bands, and select for them reservations remote from the traveled routes between the Mississippi and the Pacific. They entered without delay upon the execution of their trust, but have not yet made any official report of their proceedings. It is of vital importance that our distant Territories should be exempt from Indian outbreaks, and that the construction of the Pacific Railroad, an object of national importance, should not be interrupted by hostile tribes. These objects, as well as the material interests and the moral and intellectual improvement of the Indians, can be most effectually secured by concentrating them upon portions of country set apart for their exclusive use and located at points remote from our highways and encroaching white settlements.

Since the commencement of the second session of the Thirty-ninth Congress 510 miles of road have been constructed on the main line and branches of the Pacific Railway. The line from Omaha is rapidly approaching the eastern base of the Rocky Mountains, while the terminus of the last section of constructed road in California, accepted by the Government on the 24th day of October last, was but 11 miles distant from the summit of the Sierra Nevada. The remarkable energy evinced by the companies offers the strongest assurance that the completion of the road from Sacramento to Omaha will not be long deferred.

During the last fiscal year 7,041,114 acres of public land were disposed of, and the cash receipts from sales and fees exceeded by one-half million dollars the sum realized from those sources during the preceding year. The amount paid to pensioners, including expenses of disbursements, was $18,619,956, and 36,482 names were added to the rolls. The entire number of pensioners on the 30th of June last was 155,474. Eleven thousand six hundred and fifty-five patents and designs were issued during the year ending September 30, 1867, and at that date the balance in the Treasury to the credit of the patent fund was $286,607.

The report of the Secretary of the Navy states that we have seven squadrons actively and judiciously employed, under efficient and able commanders, in protecting the persons and property of American citizens, maintaining the dignity and power of the Government, and promoting the commerce and business interests of our countrymen in every part of the world. Of the 238 vessels composing the present Navy of the United States, 56, carrying 507 guns, are in squadron service. During the year the number of vessels in commission has been reduced 12, and there are 13 less on squadron duty than there were at the date of the last report. A large number of vessels were commenced and in the course of construction when the war terminated, and although Congress had made the necessary appropriations for their completion, the Department has either suspended work upon them or limited the slow completion of the steam vessels, so as to meet the contracts for machinery made with private establishments. The total expenditures of the Navy Department for the fiscal year ending June 30, 1867, were $31,034,011. No appropriations have been made or required since the close of the war for the construction and repair of vessels, for steam machinery, ordnance, provisions and clothing, fuel, hemp, etc., the balances under these several heads having been more than sufficient for current expenditures. It should also be stated to the credit of the Department that, besides asking no appropriations for the above objects for the last two years, the Secretary of the Navy, on the 30th of September last, in accordance with the act of May 1, 1820, requested the Secretary of the Treasury to carry to the surplus fund the sum of $65,000,000, being the amount received from the sales of vessels and other war property and the remnants of former appropriations.

The report of the Postmaster-General shows the business of the Post-Office Department and the condition of the postal service in a very favorable light, and the attention of Congress is called to its practical recommendations. The receipts of the Department for the year ending June 30, 1867, including all special appropriations for sea and land service and for free mail matter, were $19,978,693. The expenditures for all purposes were $19,235,483, leaving an unexpended balance in favor of the Department of $743,210, which can be applied toward the expenses of the Department for the current year. The increase of postal revenue, independent of specific appropriations, for the year 1867 over that of 1866 was $850,040. The increase of revenue from the sale of stamps and stamped envelopes was $783,404. The increase of expenditures for 1867 over those of the previous year was owing chiefly to the extension of the land and ocean mail service. During the past year new postal conventions have been ratified and exchanged with the United Kingdom of Great Britain and Ireland, Belgium, the Netherlands, Switzerland, the North German Union, Italy, and the colonial government at Hong Kong, reducing very largely the rates of ocean and land postages to and from and within those countries.

The report of the Acting Commissioner of Agriculture concisely presents the condition, wants, and progress of an interest eminently worthy the fostering care of Congress, and exhibits a large measure of useful results achieved during the year to which it refers.

The reestablishment of peace at home and the resumption of extended trade, travel, and commerce abroad have served to increase the number and variety of questions in the Department for Foreign Affairs. None of these questions, however, have seriously disturbed our relations with other states.

The Republic of Mexico, having been relieved from foreign intervention, is earnestly engaged in efforts to reestablish her constitutional system of government. A good understanding continues to exist between our Government and the Republics of Hayti and San Domingo, and our cordial relations with the Central and South American States remain unchanged. The tender, made in conformity with a resolution of Congress, of the good offices of the Government with a view to an amicable adjustment of peace between Brazil and her allies on one side and Paraguay on the other, and between Chile and her allies on the one side and Spain on the other, though kindly received, has in neither case been fully accepted by the belligerents. The war in the valley of the Parana is still vigorously maintained. On the other hand, actual hostilities between the Pacific States and Spain have been more than a year suspended. I shall, on any proper occasion that may occur, renew the conciliatory recommendations which have been already made. Brazil, with enlightened sagacity and comprehensive statesmanship, has opened the great channels of the Amazon and its tributaries to universal commerce. One thing more seems needful to assure a rapid and cheering progress in South America. I refer to those peaceful habits without which states and nations can not in this age well expect material prosperity or social advancement.

The Exposition of Universal Industry at Paris has passed, and seems to have fully realized the high expectations of the French Government. If due allowance be made for the recent political derangement of industry here, the part which the United States has borne in this exhibition of invention and art may be regarded with very high satisfaction. During the exposition a conference was held of delegates from several nations, the United States being one, in which the inconveniences of commerce and social intercourse resulting from the diverse standards of money value were very fully discussed, and plans were developed for establishing by universal consent a common principle for the coinage of gold. These conferences are expected to be renewed, with the attendance of many foreign states not hitherto represented. A report of these interesting proceedings will be submitted to Congress, which will, no doubt, justly appreciate the great object and be ready to adopt any measure which may tend to facilitate its ultimate accomplishment.

On the 25th of February, 1862, Congress declared by law that Treasury notes, without interest, authorized by that act should be legal tender in payment of all debts, public and private, within the United States. An annual remittance of $30,000, less stipulated expenses, accrues to claimants under the convention made with Spain in 1834. These remittances, since the passage of that act, have been paid in such notes. The claimants insist that the Government ought to require payment in coin. The subject may be deemed worthy of your attention.

No arrangement has yet been reached for the settlement of our claims for British depredations upon the commerce of the United States. I have felt it my duty to decline the proposition of arbitration made by Her Majesty's Government, because it has hitherto been accompanied by reservations and limitations incompatible with the rights, interest, and honor of our country. It is not to be apprehended that Great Britain will persist in her refusal to satisfy these just and reasonable claims, which involve the sacred principle of nonintervention—a principle henceforth not more important to the United States than to all other commercial nations.

The West India islands were settled and colonized by European States simultaneously with the settlement and colonization of the American continent. Most of the colonies planted here became independent nations in the close of the last and the beginning of the present century. Our own country embraces communities which at one period were colonies of Great Britain, France, Spain, Holland, Sweden, and Russia. The people in the West Indies, with the exception of those of the island of Hayti, have neither attained nor aspired to independence, nor have they become prepared for self-defense. Although possessing considerable commercial value, they have been held by the several European States which colonized or at some time conquered them, chiefly for purposes of military and naval strategy in carrying out European policy and designs in regard to this continent. In our Revolutionary War ports and harbors in the West India islands were used by our enemy, to the great injury and embarrassment of the United States. We had the same experience in our second war with Great Britain. The same European policy for a long time excluded us even from trade with the West Indies, while we were at peace with all nations. In our recent civil war the rebels and their piratical and blockade-breaking allies found facilities in the same ports for the work, which they too successfully accomplished, of injuring and devastating the commerce which we are now engaged in rebuilding. We labored especially under this disadvantage, that European steam vessels employed by our enemies found friendly shelter, protection, and supplies in West Indian ports, while our naval operations were necessarily carried on from our own distant shores. There was then a universal feeling of the want of an advanced naval outpost between the Atlantic coast and Europe. The duty of obtaining such an outpost peacefully and lawfully, while neither doing nor menacing injury to other states, earnestly engaged the attention of the executive department before the close of the war, and it has not been lost sight of since that time. A not entirely dissimilar naval want revealed itself during the same period on the Pacific coast. The required foothold there was fortunately secured by our late treaty with the Emperor of Russia, and it now seems imperative that the more obvious necessities of the Atlantic coast should not be less carefully provided for. A good and convenient port and harbor, capable of easy defense, will supply that want. With the possession of such a station by the United States, neither we nor any other American nation need longer apprehend injury or offense from any transatlantic enemy. I agree with our early statesmen that the West Indies naturally gravitate to, and may be expected ultimately to be absorbed by, the continental States, including our own. I agree with them also that it is wise to leave the question of such absorption to this process of natural political gravitation. The islands of St. Thomas and St. John, which constitute a part of the group called the Virgin Islands, seemed to offer us advantages immediately desirable, while their acquisition could be secured in harmony with the principles to which I have alluded. A treaty has therefore been concluded with the King of Denmark for the cession of those islands, and will be submitted to the Senate for consideration.

It will hardly be necessary to call the attention of Congress to the subject of providing for the payment to Russia of the sum stipulated in the treaty for the cession of Alaska. Possession having been formally delivered to our commissioner, the territory remains for the present in care of a military force, awaiting such civil organization as shall be directed by Congress.

The annexation of many small German States to Prussia and the reorganization of that country under a new and liberal constitution have induced me to renew the effort to obtain a just and prompt settlement of the long-vexed question concerning the claims of foreign states for military service from their subjects naturalized in the United States.

In connection with this subject the attention of Congress is respectfully called to a singular and embarrassing conflict of laws. The executive department of this Government has hitherto uniformly held, as it now holds, that naturalization in conformity with the Constitution and laws of the United States absolves the recipient from his native allegiance. The courts of Great Britain hold that allegiance to the British Crown is indefeasible, and is not absolved by our laws of naturalization. British judges cite courts and law authorities of the United States in support of that theory against the position held by the executive authority of the United States. This conflict perplexes the public mind concerning the rights of naturalized citizens and impairs the national authority abroad.

I called attention to this subject in my last annual message, and now again respectfully appeal to Congress to declare the national will unmistakably upon this important question.

The abuse of our laws by the clandestine prosecution of the African slave trade from American ports or by American citizens has altogether ceased, and under existing circumstances no apprehensions of its renewal in this part of the world are entertained. Under these circumstances it becomes a question whether we shall not propose to Her Majesty's Government a suspension or discontinuance of the stipulations for maintaining a naval force for the suppression of that trade.

ANDREW JOHNSON.

SPECIAL MESSAGES.

WASHINGTON, *December 3, 1867.*

To the Senate of the United States:

I transmit, for consideration with a view to ratification, a treaty between the United States and His Majesty the King of Denmark, stipulating for the cession of the islands of St. Thomas and St. John, in the West Indies.

ANDREW JOHNSON.

WASHINGTON, *December 3, 1867.*

To the Senate of the United States:

I transmit, for consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States and the Republic of Nicaragua, signed at the city of Managua on the 21st day of June last. This instrument has been framed pursuant to the amendments of the Senate of the United States to the previous treaty between the parties of the 16th of March, 1859.

ANDREW JOHNSON.

WASHINGTON, *December 4, 1867.*

To the House of Representatives:

I transmit herewith a final report from the Attorney-General, additional to the reports submitted by him December 31, 1866, March 2, 1867, and July 8, 1867, in reply to a resolution of the House of Representatives December 10, 1866, requesting "a list of the names of all persons engaged in the late rebellion against the United States Government who have been pardoned by the President from April 15, 1865, to this date; that said list shall also state the rank of each person who has been so pardoned, if he has been engaged in the military service of the so-called Confederate government, and the position if he shall have held any civil office under said so-called Confederate government; and shall also state whether such person has at any time prior to April 14, 1861, held any office under the United States Government, and, if so, what office, together with the reason for granting such pardon, and also the names of the person or persons at whose solicitation such pardon was granted."

ANDREW JOHNSON.

WASHINGTON, *December 4, 1867*.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 26th ultimo, a report* from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *December 5, 1867*.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 17th July last, requesting me to communicate all information received at the several Departments of the Government touching the organization within or near the territory of the United States of armed bodies of men for the purpose of avenging the death of the Archduke Maximilian or of intervening in Mexican affairs, and what measures have been taken to prevent the organization or departure of such organized bodies for the purpose of carrying out such objects, I transmit a report from the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, *December 5, 1867*.

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, a commercial treaty between the United States of America and Her Majesty the Queen of Madagascar, signed at Antananarivo on the 14th of February last.

ANDREW JOHNSON.

WASHINGTON, *December 10, 1867*.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 25th ultimo, a report† from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

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*Relating to the removal of J. Lothrop Motley from his post as minister of the United States at Vienna.

†Relating to the formation and the functions of the Government of the united States of North Germany.

WASHINGTON, *December 10, 1867*.

To the Senate of the United States:

I transmit a copy of a dispatch of the 17th of July last, addressed to the Secretary of State, and of the papers which accompanied it, from Anson Burlingame, esq., minister of the United States to China, relating to a proposed modification of the existing treaty between this Government and that of China.

The Senate is aware that the original treaty is chiefly *ex parte* in its character. The proposed modification, though not of sufficient importance to warrant all the usual forms, does not seem to be objectionable; but it can not be legally accepted by the executive government without the advice and consent of the Senate. If this should be given, it may be indicated by a resolution, upon the adoption of which the United States minister to China will be instructed to inform the Government of that country that the modification has been assented to.

ANDREW JOHNSON.

WASHINGTON, *December 12, 1867*.

To the Senate of the United States:

On the 12th of August last I suspended Mr. Stanton from the exercise of the office of Secretary of War, and on the same day designated General Grant to act as Secretary of War *ad interim*.

The following are copies of the Executive orders:

EXECUTIVE MANSION,
Washington, August 12, 1867.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same.

You will at once transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, and other property now in your custody and charge.

EXECUTIVE MANSION,
Washington, D. C., August 12, 1867.

General ULYSSES S. GRANT,
Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day suspended as Secretary of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will at once enter upon the discharge of the duties of the office.

The Secretary of War has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

The following communication was received from Mr. Stanton:

WAR DEPARTMENT,
Washington City, August 12, 1867.

The PRESIDENT.

SIR: Your note of this date has been received, informing me that by virtue of the powers and authority vested in you as President by the Constitution and laws of the United States I am suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same, and also directing me at once to transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in my custody and charge.

Under a sense of public duty I am compelled to deny your right under the Constitution and laws of the United States, without the advice and consent of the Senate and without any legal cause, to suspend me from office as Secretary of War or the exercise of any or all functions pertaining to the same, or without such advice and consent to compel me to transfer to any person the records, books, papers, and public property in my custody as Secretary.

But inasmuch as the General Commanding the armies of the United States has been appointed *ad interim*, and has notified me that he has accepted the appointment, I have no alternative but to submit, under protest, to superior force.

The suspension has not been revoked, and the business of the War Department is conducted by the Secretary *ad interim*.

Prior to the date of this suspension I had come to the conclusion that the time had arrived when it was proper Mr. Stanton should retire from my Cabinet. The mutual confidence and general accord which should exist in such a relation had ceased. I supposed that Mr. Stanton was well advised that his continuance in the Cabinet was contrary to my wishes, for I had repeatedly given him so to understand by every mode short of an express request that he should resign. Having waited full time for the voluntary action of Mr. Stanton, and seeing no manifestation on his part of an intention to resign, I addressed him the following note on the 5th of August:

SIR: Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted.

To this note I received the following reply:

WAR DEPARTMENT,
Washington, August 5, 1867.

SIR: Your note of this day has been received, stating that public considerations of a high character constrain you to say that my resignation as Secretary of War will be accepted.

In reply I have the honor to say that public considerations of a high character, which alone have induced me to continue at the head of this Department, constrain me not to resign the office of Secretary of War before the next meeting of Congress.

This reply of Mr. Stanton was not merely a disinclination of compliance with the request for his resignation; it was a defiance, and something more. Mr. Stanton does not content himself with assuming that public considerations bearing upon his continuance in office form as fully a rule of action for himself as for the President, and that upon so delicate a question as the fitness of an officer for continuance in his office the officer is as competent and as impartial to decide as his superior, who is responsible for his conduct. But he goes further, and plainly intimates what he means by "public considerations of a high character," and this is nothing else than his loss of confidence in his superior. He says that these public considerations have "alone induced me to continue at the head of this Department," and that they "constrain me not to resign the office of Secretary of War before the next meeting of Congress."

This language is very significant. Mr. Stanton holds the position unwillingly. He continues in office only under a sense of high public duty. He is ready to leave when it is safe to leave, and as the danger he apprehends from his removal then will not exist when Congress is here, he is constrained to remain during the interim. What, then, is that danger which can only be averted by the presence of Mr. Stanton or of Congress? Mr. Stanton does not say that "public considerations of a high character" constrain him to hold on to the office indefinitely. He does not say that no one other than himself can at any time be found to take his place and perform its duties. On the contrary, he expresses a desire to leave the office at the earliest moment consistent with these high public considerations. He says, in effect, that while Congress is away he must remain, but that when Congress is here he can go. In other words, he has lost confidence in the President. He is unwilling to leave the War Department in his hands or in the hands of anyone the President may appoint or designate to perform its duties. If he resigns, the President may appoint a Secretary of War that Mr. Stanton does not approve; therefore he will not resign. But when Congress is in session the President can not appoint a Secretary of War which the Senate does not approve; consequently when Congress meets Mr. Stanton is ready to resign.

Whatever cogency these "considerations" may have had on Mr. Stanton, whatever right he may have had to entertain such considerations, whatever propriety there might be in the expression of them to others, one thing is certain, it was official misconduct, to say the least of it, to parade them before his superior officer.

Upon the receipt of this extraordinary note I only delayed the order of suspension long enough to make the necessary arrangements to fill the office. If this were the only cause for his suspension, it would be ample. Necessarily it must end our most important official relations, for I can not imagine a degree of effrontery which would embolden the head of a Department to take his seat at the council table in the Executive Mansion after such an act; nor can I imagine a President so forgetful of the proper respect and dignity which belong to his office as to submit to such intrusion. I will not do Mr. Stanton the wrong to suppose that he entertained any idea of offering to act as one of my constitutional advisers after that note was written. There was an interval of a week between that date and the order of suspension, during which two Cabinet meetings were held. Mr. Stanton did not present himself at either, nor was he expected.

On the 12th of August Mr. Stanton was notified of his suspension and that General Grant had been authorized to take charge of the Department.

In his answer to this notification, of the same date, Mr. Stanton expresses himself as follows:

> Under a sense of public duty I am compelled to deny your right under the Constitution and laws of the United States, without the advice and consent of the Senate and without any legal cause, to suspend me from office as Secretary of War or the exercise of any or all functions pertaining to the same, or without such advice and consent to compel me to transfer to any person the records, books, papers, and public property in my custody as Secretary.
>
> But inasmuch as the General Commanding the armies of the United States has been appointed *ad interim*, and has notified me that he has accepted the appointment, I have no alternative but to submit, under protest, to superior force.

It will not escape attention that in his note of August 5 Mr. Stanton stated that he had been constrained to continue in the office, even before he was requested to resign, by considerations of a high public character. In this note of August 12 a new and different sense of public duty compels him to deny the President's right to suspend him from office without the consent of the Senate. This last is the public duty of resisting an act contrary to law, and he charges the President with violation of the law in ordering his suspension.

Mr. Stanton refers generally to the Constitution and laws of the "United States," and says that a sense of public duty "under" these compels him to deny the right of the President to suspend him from office. As to his sense of duty under the Constitution, that will be considered in the sequel. As to his sense of duty under "the laws of the United States," he certainly can not refer to the law which creates the War Department, for that expressly confers upon the President the unlimited right to remove the head of the Department. The only other law bearing upon the question is the tenure-of-office act, passed by Congress over the Presidential veto March 2, 1867. This is the law which, under a sense of public duty, Mr. Stanton volunteers to defend.

There is no provision in this law which compels any officer coming within its provisions to remain in office. It forbids removals—not resignations. Mr. Stanton was perfectly free to resign at any moment, either upon his own motion or in compliance with a request or an order. It was a matter of choice or of taste. There was nothing compulsory in the nature of legal obligation. Nor does he put his action upon that imperative ground. He says he acts under a "sense of public duty," not of legal obligation, compelling him to hold on and leaving him no choice. The public duty which is upon him arises from the respect which he owes to the Constitution and the laws, violated in his own case. He is therefore compelled by this sense of public duty to vindicate violated law and to stand as its champion.

This was not the first occasion in which Mr. Stanton, in discharge of a public duty, was called upon to consider the provisions of that law. That tenure-of-office law did not pass without notice. Like other acts, it was sent to the President for approval. As is my custom, I submitted its consideration to my Cabinet for their advice upon the question whether I should approve it or not. It was a grave question of constitutional law, in which I would, of course, rely most upon the opinion of the Attorney-General and of Mr. Stanton, who had once been Attorney-General.

Every member of my Cabinet advised me that the proposed law was unconstitutional. All spoke without doubt or reservation, but Mr. Stanton's condemnation of the law was the most elaborate and emphatic. He referred to the constitutional provisions, the debates in Congress, especially to the speech of Mr. Buchanan when a Senator, to the decisions of the Supreme Court, and to the usage from the beginning of the Government through every successive Administration, all concurring to establish the right of removal as vested by the Constitution in the President. To all these he added the weight of his own deliberate judgment, and advised me that it was my duty to defend the power of the President from usurpation and to veto the law.

I do not know when a sense of public duty is more imperative upon a head of Department than upon such an occasion as this. He acts then under the gravest obligations of law, for when he is called upon by the President for advice it is the Constitution which speaks to him. All his other duties are left by the Constitution to be regulated by statute, but this duty was deemed so momentous that it is imposed by the Constitution itself.

After all this I was not prepared for the ground taken by Mr. Stanton in his note of August 12. I was not prepared to find him compelled by a new and indefinite sense of public duty, under "the Constitution," to assume the vindication of a law which, under the solemn obligations of public duty imposed by the Constitution itself, he advised me was a violation of that Constitution. I make great allowance for a change of opinion, but such a change as this hardly falls within the limits of greatest indulgence.

Where our opinions take the shape of advice, and influence the action of others, the utmost stretch of charity will scarcely justify us in repudiating them when they come to be applied to ourselves.

But to proceed with the narrative. I was so much struck with the full mastery of the question manifested by Mr. Stanton, and was at the time so fully occupied with the preparation of another veto upon the pending reconstruction act, that I requested him to prepare the veto upon this tenure-of-office bill. This he declined, on the ground of physical disability to undergo at the time the labor of writing, but stated his readiness to furnish what aid might be required in the preparation of materials for the paper.

At the time this subject was before the Cabinet it seemed to be taken for granted that as to those members of the Cabinet who had been appointed by Mr. Lincoln their tenure of office was not fixed by the provisions of the act. I do not remember that the point was distinctly decided, but I well recollect that it was suggested by one member of the Cabinet who was appointed by Mr. Lincoln, and that no dissent was expressed.

Whether the point was well taken or not did not seem to me of any consequence, for the unanimous expression of opinion against the constitutionality and policy of the act was so decided that I felt no concern, so far as the act had reference to the gentlemen then present, that I would be embarrassed in the future. The bill had not then become a law. The limitation upon the power of removal was not yet imposed, and there was yet time to make any changes. If any one of these gentlemen had then said to me that he would avail himself of the provisions of that bill in case it became a law, I should not have hesitated a moment as to his removal. No pledge was then expressly given or required. But there are circumstances when to give an expressed pledge is not necessary, and when to require it is an imputation of possible bad faith. I felt that if these gentlemen came within the purview of the bill it was as to them a dead letter, and that none of them would ever take refuge under its provisions.

I now pass to another subject. When, on the 15th of April, 1865, the duties of the Presidential office devolved upon me, I found a full Cabinet of seven members, all of them selected by Mr. Lincoln. I made no change. On the contrary, I shortly afterwards ratified a change determined upon by Mr. Lincoln, but not perfected at his death, and admitted his appointee, Mr. Harlan, in the place of Mr. Usher, who was in office at the time.

The great duty of the time was to reestablish government, law, and order in the insurrectionary States. Congress was then in recess, and the sudden overthrow of the rebellion required speedy action. This grave subject had engaged the attention of Mr. Lincoln in the last days of his life, and the plan according to which it was to be managed had been prepared and was ready for adoption. A leading feature of that plan was that it should be carried out by the Executive authority, for, so far as I have been informed, neither Mr. Lincoln nor any member of his Cabinet doubted his authority to act or proposed to call an extra session of Congress to do the work. The first business transacted in Cabinet after I became President was this unfinished business of my predecessor. A plan or scheme of reconstruction was produced which had been prepared for Mr. Lincoln by Mr. Stanton, his Secretary of War. It was approved, and at the earliest moment practicable was applied in the form of a proclamation to the State of North Carolina, and afterwards became the basis of action in turn for the other States.

Upon the examination of Mr. Stanton before the Impeachment Committee he was asked the following question:

> Did any one of the Cabinet express a doubt of the power of the executive branch of the Government to reorganize State governments which had been in rebellion without the aid of Congress?

He answered:

> None whatever. I had myself entertained no doubt of the authority of the President to take measures for the organization of the rebel States on the plan proposed during the vacation of Congress and agreed in the plan specified in the proclamation in the case of North Carolina.

There is perhaps no act of my Administration for which I have been more denounced than this. It was not originated by me, but I shrink from no responsibility on that account, for the plan approved itself to my own judgment, and I did not hesitate to carry it into execution.

Thus far and upon this vital policy there was perfect accord between the Cabinet and myself, and I saw no necessity for a change. As time passed on there was developed an unfortunate difference of opinion and of policy between Congress and the President upon this same subject and upon the ultimate basis upon which the reconstruction of these States should proceed, especially upon the question of negro suffrage. Upon this point three members of the Cabinet found themselves to be in sympathy with Congress. They remained only long enough to see that the difference of policy could not be reconciled. They felt that they should remain no longer, and a high sense of duty and propriety constrained them to resign their positions. We parted with mutual respect for the sincerity of each other in opposite opinions, and mutual regret that the difference was on points so vital as to require a severance of official relations. This was in the summer of 1866. The subsequent sessions of Congress developed new complications, when the suffrage bill for the District of Columbia and the reconstruction acts of March 2 and March 23, 1867, all passed over the veto. It was in Cabinet consultations upon these bills that a difference of opinion upon the most vital points was developed. Upon these questions there was perfect accord between all the members of the Cabinet and myself, except Mr. Stanton. He stood alone, and the difference of opinion could not be reconciled. That unity of opinion which, upon great questions of public policy or administration, is so essential to the Executive was gone.

I do not claim that a head of Department should have no other opinions than those of the President. He has the same right, in the conscientious discharge of duty, to entertain and express his own opinions as has the President. What I do claim is that the President is the responsible head of the Administration, and when the opinions of a head of Department are irreconcilably opposed to those of the President in grave matters of policy and administration there is but one result which can solve the difficulty, and that is a severance of the official relation. This in the past history of the Government has always been the rule, and it is a wise one, for such differences of opinion among its members must impair the efficiency of any Administration.

I have now referred to the general grounds upon which the withdrawal of Mr. Stanton from my Administration seemed to me to be proper and necessary, but I can not omit to state a special ground, which, if it stood alone, would vindicate my action.

The sanguinary riot which occurred in the city of New Orleans on the 30th of August, 1866, justly aroused public indignation and public inquiry, not only as to those who were engaged in it, but as to those who, more or less remotely, might be held to responsibility for its occurrence. I need not remind the Senate of the effort made to fix that responsibility on the President. The charge was openly made, and again and again reiterated all through the land, that the President was warned in time, but refused to interfere.

By telegrams from the lieutenant-governor and attorney-general of Louisiana, dated the 27th and 28th of August, I was advised that a body of delegates claiming to be a constitutional convention were about to assemble in New Orleans; that the matter was before the grand jury, but that it would be impossible to execute civil process without a riot; and this question was asked:

> Is the military to interfere to prevent process of court?

This question was asked at a time when the civil courts were in the full exercise of their authority, and the answer sent by telegraph on the same 28th of August was this:

> The military will be expected to sustain, and not to interfere with, the proceedings of the courts.

On the same 28th of August the following telegram was sent to Mr. Stanton by Major-General Baird, then (owing to the absence of General Sheridan) in command of the military at New Orleans:

> Hon. EDWIN M. STANTON,
> *Secretary of War:*
>
> A convention has been called, with the sanction of Governor Wells, to meet here on Monday. The lieutenant-governor and city authorities think it unlawful, and propose to break it up by arresting the delegates. I have given no orders on the subject, but have warned the parties that I could not countenance or permit such action without instructions to that effect from the President. Please instruct me at once by telegraph.

The 28th of August was on Saturday. The next morning, the 29th, this dispatch was received by Mr. Stanton at his residence in this city. He took no action upon it, and neither sent instructions to General Baird himself nor presented it to me for such instructions. On the next day (Monday) the riot occurred. I never saw this dispatch from General Baird until some ten days or two weeks after the riot, when, upon my call for all the dispatches, with a view to their publication, Mr. Stanton sent it to me.

These facts all appear in the testimony of Mr. Stanton before the Judiciary Committee in the impeachment investigation.

On the 30th, the day of the riot, and after it was suppressed, General Baird wrote to Mr. Stanton a long letter, from which I make the following extract:

> SIR: I have the honor to inform you that a very serious riot has occurred here to-day. I had not been applied to by the convention for protection, but the lieutenant-governor and the mayor had freely consulted with me, and I was so fully convinced that it was so strongly the intent of the city authorities to preserve the peace, in order to prevent military interference, that I did not regard an outbreak as a thing to be apprehended. The lieutenant-governor had assured me that even if a writ of arrest was issued by the court the sheriff would not attempt to serve it without my permission, and for to-day they designed to suspend it. I inclose herewith copies of my correspondence with the mayor and of a dispatch which the lieutenant-governor claims to have received from the President. I regret that no reply to my dispatch to you of Saturday has yet reached me. General Sheridan is still absent in Texas.

The dispatch of General Baird of the 28th asks for immediate instructions, and his letter of the 30th, after detailing the terrible riot which had just happened, ends with the expression of regret that the instructions which he asked for were not sent. It is not the fault or the error or the omission of the President that this military commander was left without instructions; but for all omissions, for all errors, for all failures to instruct when instruction might have averted this calamity, the President was openly and persistently held responsible. Instantly, without waiting for proof, the delinquency of the President was heralded in every form of utterance. Mr. Stanton knew then that the President was not responsible for this delinquency. The exculpation was in his power, but it was not given by him to the public, and only to the President in obedience to a requisition for all the dispatches.

No one regrets more than myself that General Baird's request was not brought to my notice. It is clear from his dispatch and letter that if the Secretary of War had given him proper instructions the riot which arose on the assembling of the convention would have been averted.

There may be those ready to say that I would have given no instructions even if the dispatch had reached me in time, but all must admit that I ought to have had the opportunity.

The following is the testimony given by Mr. Stanton before the impeachment investigation committee as to this dispatch:

> Q. Referring to the dispatch of the 28th of July by General Baird, I ask you whether that dispatch on its receipt was communicated?
>
> A. I received that dispatch on Sunday forenoon. I examined it carefully, and considered the question presented. I did not see that I could give any instructions different from the line of action which General Baird proposed, and made no answer to the dispatch.
>
> Q. I see it stated that this was received at 10.20 p. m. Was that the hour at which it was received by you?
>
> A. That is the date of its reception in the telegraph office Saturday night. I received it on Sunday forenoon at my residence. A copy of the dispatch was furnished to the President several days afterwards, along with all the other dispatches

and communications on that subject, but it was not furnished by me before that time. I suppose it may have been ten or fifteen days afterwards.

Q. The President himself being in correspondence with those parties upon the same subject, would it not have been proper to have advised him of the reception of that dispatch?

A. I know nothing about his correspondence, and know nothing about any correspondence except this one dispatch. We had intelligence of the riot on Thursday morning. The riot had taken place on Monday.

It is a difficult matter to define all the relations which exist between the heads of Departments and the President. The legal relations are well enough defined. The Constitution places these officers in the relation of his advisers when he calls upon them for advice. The acts of Congress go further. Take, for example, the act of 1789 creating the War Department. It provides that—

> There shall be a principal officer therein to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States; and, furthermore, the said principal officer shall conduct the business of the said Department in such manner as the President of the United States shall from time to time order and instruct.

Provision is also made for the appointment of an inferior officer by the head of the Department, to be called the chief clerk, "who, whenever said principal officer shall be removed from office by the President of the United States," shall have the charge and custody of the books, records, and papers of the Department.

The legal relation is analogous to that of principal and agent. It is the President upon whom the Constitution devolves, as head of the executive department, the duty to see that the laws are faithfully executed; but as he can not execute them in person, he is allowed to select his agents, and is made responsible for their acts within just limits. So complete is this presumed delegation of authority in the relation of a head of Department to the President that the Supreme Court of the United States have decided that an order made by a head of Department is presumed to be made by the President himself.

The principal, upon whom such responsibility is placed for the acts of a subordinate, ought to be left as free as possible in the matter of selection and of dismissal. To hold him to responsibility for an officer beyond his control; to leave the question of the fitness of such an agent to be decided *for* him and not *by* him; to allow such a subordinate, when the President, moved by "public considerations of a high character," requests his resignation, to assume for himself an equal right to act upon his own views of "public considerations" and to make his own conclusions paramount to those of the President—to allow all this is to reverse the just order of administration and to place the subordinate above the superior.

There are, however, other relations between the President and a head of Department beyond these defined legal relations, which necessarily attend them, though not expressed. Chief among these is mutual confidence. This relation is so delicate that it is sometimes hard to say when or how it ceases. A single flagrant act may end it at once, and then there is no difficulty. But confidence may be just as effectually destroyed by a series of causes too subtle for demonstration. As it is a plant of slow growth, so, too, it may be slow in decay. Such has been the process here. I will not pretend to say what acts or omissions have broken up this relation. They are hardly susceptible of statement, and still less of formal proof. Nevertheless, no one can read the correspondence of the 5th of August without being convinced that this relation was effectually gone on both sides, and that while the President was unwilling to allow Mr. Stanton to remain in his Administration, Mr. Stanton was equally unwilling to allow the President to carry on his Administration without his presence.

In the great debate which took place in the House of Representatives in 1789, in the first organization of the principal Departments, Mr. Madison spoke as follows:

> It is evidently the intention of the Constitution that the first magistrate should be responsible for the executive department. So far, therefore, as we do not make the officers who are to aid him in the duties of that department responsible to him, he is not responsible to the country. Again: Is there no danger that an officer, when he is appointed by the concurrence of the Senate and has friends in that body, may choose rather to risk his establishment on the favor of that branch than rest it upon the discharge of his duties to the satisfaction of the executive branch, which is constitutionally authorized to inspect and control his conduct? And if it should happen that the officers connect themselves with the Senate, they may mutually support each other, and for want of efficacy reduce the power of the President to a mere vapor, in which case his responsibility would be annihilated, and the expectation of it is unjust. The high executive officers, joined in cabal with the Senate, would lay the foundation of discord, and end in an assumption of the executive power only to be removed by a revolution in the Government.

Mr. Sedgwick, in the same debate, referring to the proposition that a head of Department should only be removed or suspended by the concurrence of the Senate, used this language:

> But if proof be necessary, what is then the consequence? Why, in nine cases out of ten, where the case is very clear to the mind of the President that the man ought to be removed, the effect can not be produced, because it is absolutely impossible to produce the necessary evidence. Are the Senate to proceed without evidence? Some gentlemen contend not. Then the object will be lost. Shall a man under these circumstances be saddled upon the President who has been appointed for no other purpose but to aid the President in performing certain duties? Shall he be continued, I ask again, against the will of the President? If he is, where is the responsibility? Are you to look for it in the President, who has no control over the officer, no power to remove him if he acts unfeelingly or unfaithfully? Without you make him responsible you weaken and destroy the strength and beauty of your system. What is to be done in cases which can only be known from a long acquaintance with the conduct of an officer?

I had indulged the hope that upon the assembling of Congress Mr. Stanton would have ended this unpleasant complication according to his intimation given in his note of August 12. The duty which I have felt myself called upon to perform was by no means agreeable, but I feel that I am not responsible for the controversy or for the consequences.

Unpleasant as this necessary change in my Cabinet has been to me upon personal considerations, I have the consolation to be assured that so far as the public interests are involved there is no cause for regret.

Salutary reforms have been introduced by the Secretary *ad interim*, and great reductions of expenses have been effected under his administration of the War Department, to the saving of millions to the Treasury.

ANDREW JOHNSON.

WASHINGTON, *December 14, 1867.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 9th instant, I transmit herewith a copy of the papers relating to the trial by a military commission of Albert M. D. C. Lusk, of Louisiana. No action in the case has yet been taken by the President.

ANDREW JOHNSON.

WASHINGTON, *December 17, 1867.*

To the House of Representatives:

I transmit for the information of the House of Representatives a report from the Secretary of State, with an accompanying paper.*

ANDREW JOHNSON.

WASHINGTON, *December 17, 1867.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 6th instant, concerning the International Monetary Conference held at Paris in June last, I transmit a report from the Secretary of State, which is accompanied by the papers called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, *December 17, 1867.*

To the Senate of the United States:

I transmit, for the consideration of the Senate, an agreement between the diplomatic representatives of certain foreign powers in Japan, including the minister of the United States, on the one part, and plenipotentiaries on the part of the Japanese Government, relative to the settlement of Yokohama.

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*Report of George H. Sharpe relative to the assassination of President Lincoln and the attempted assassination of Secretary Seward.

This instrument can not be legally binding upon the United States unless sanctioned by the Senate. There appears to be no objection to its approval.

A copy of General Van Valkenburgh's dispatch to the Secretary of State, by which the agreement was accompanied, and of the map to which it refers, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, D. C., *December 18, 1867.*

Gentlemen of the Senate and of the House of Representatives:

An official copy of the order issued by Major-General Winfield S. Hancock, commander of the Fifth Military District, dated headquarters in New Orleans, La., on the 29th day of November, has reached me through the regular channels of the War Department, and I herewith communicate it to Congress for such action as may seem to be proper in view of all the circumstances.

It will be perceived that General Hancock announces that he will make the law the rule of his conduct; that he will uphold the courts and other civil authorities in the performance of their proper duties, and that he will use his military power only to preserve the peace and enforce the law. He declares very explicitly that the sacred right of the trial by jury and the privilege of the writ of *habeas corpus* shall not be crushed out or trodden under foot. He goes further, and in one comprehensive sentence asserts that the principles of American liberty are still the inheritance of this people and ever should be.

When a great soldier, with unrestricted power in his hands to oppress his fellow-men, voluntarily foregoes the chance of gratifying his selfish ambition and devotes himself to the duty of building up the liberties and strengthening the laws of his country, he presents an example of the highest public virtue that human nature is capable of practicing. The strongest claim of Washington to be "first in war, first in peace, and first in the hearts of his countrymen" is founded on the great fact that in all his illustrious career he scrupulously abstained from violating the legal and constitutional rights of his fellow-citizens. When he surrendered his commission to Congress, the President of that body spoke his highest praise in saying that he had "always regarded the rights of the civil authorities through all dangers and disasters." Whenever power above the law courted his acceptance, he calmly put the temptation aside. By such magnanimous acts of forbearance he won the universal admiration of mankind and left a name which has no rival in the history of the world.

I am far from saying that General Hancock is the only officer of the American Army who is influenced by the example of Washington. Doubtless thousands of them are faithfully devoted to the principles for which the men of the Revolution laid down their lives. But the distinguished honor belongs to him of being the first officer in high command south of the Potomac, since the close of the civil war, who has given utterance to these noble sentiments in the form of a military order.

I respectfully suggest to Congress that some public recognition of General Hancock's patriotic conduct is due, if not to him, to the friends of law and justice throughout the country. Of such an act as his at such a time it is but fit that the dignity should be vindicated and the virtue proclaimed, so that its value as an example may not be lost to the nation.

ANDREW JOHNSON.

WASHINGTON, *December 19, 1867.*

To the Senate of the United States:

I transmit to the Senate, in answer to a resolution of that body of the 16th instant, a report* from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *December 20, 1867.*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated the 20th instant, with the accompanying papers, received from the Secretary of State in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

ANDREW JOHNSON.

WASHINGTON, *December 31, 1867.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 18th instant, requesting information concerning alleged interference by Russian naval vessels with whaling vessels of the United States, I transmit a report from the Secretary of State and the papers referred to therein.

ANDREW JOHNSON.

WASHINGTON, *January 6, 1868.*

To the Senate of the United States:

I herewith transmit to the Senate a report from the Secretary of the Treasury, containing the information requested in their resolution of the 16th ultimo, relative to the amount of United States bonds issued to the Union Pacific Railroad Company and each of its branches, including the Central Pacific Railroad Company of California.

ANDREW JOHNSON.

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*Relating to the removal of Governor Ballard, of the Territory of Idaho.

WASHINGTON, *January 7, 1868.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to a resolution of the House of Representatives of yesterday, making inquiry how many and what State legislatures have ratified the proposed amendment to the Constitution of the United States known as the fourteenth article.

ANDREW JOHNSON.

WASHINGTON, *January 7, 1868.*

To the Senate and House of Representatives:

A Spanish steamer named *Nuestra Señora* being in the harbor of Port Royal, S. C., on the 1st of December, 1861, Brigadier-General T. W. Sherman, who was in command of the United States forces there, received information which he supposed justified him in seizing her, as she was on her way from Charleston to Havana with insurgent correspondence on board. The seizure was made accordingly, and during the ensuing spring the vessel was sent to New York, in order that the legality of the seizure might be tried.

By a decree of June 20, 1863, Judge Betts ordered the vessel to be restored, and by a subsequent decree, of October 15, 1863, he referred the adjustment of damages to amicable negotiations between the two Governments.

While the proceeding in admiralty was pending, the vessel was appraised and taken by the Navy Department at the valuation of $28,000, which sum that Department paid into the Treasury.

As the amount of this valuation can not legally be drawn from the Treasury without authority from Congress, I recommend an appropriation for that purpose.

It is proposed to appoint a commissioner on the part of this Government to adjust, informally in this case, with a similar commissioner on the part of Spain, the question of damages, the commissioners to name an arbiter for points upon which they may disagree. When the amount of the damages shall thus have been ascertained, application will be made to Congress for a further appropriation toward paying them.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 14, 1868.*

To the House of Representatives:

I transmit herewith a communication from the Secretary of War *ad interim*, with the accompanying papers, prepared in compliance with a resolution of the House of Representatives of March 15, 1867, requesting information in reference to contracts for ordnance projectiles and small arms.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 14, 1868.*

To the Senate and House of Representatives:

I transmit herewith the report made by the commissioners appointed under the act of Congress approved on the 20th day of July, 1867, entitled "An act to establish peace with certain hostile Indian tribes," together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *January 14, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of yesterday, calling for information relating to the appointment of the American minister at Pekin to a diplomatic or other mission on behalf of the Chinese Government by the Emperor of China, I transmit a report from the Secretary of State upon the subject, together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON CITY, *January 14, 1868.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, the following treaties, concluded at "Medicine Lodge Creek," Kansas, between the Indian tribes therein named and the United States, by their commissioners appointed by the act of Congress approved July 20, 1867, entitled "An act to establish peace with certain hostile Indian tribes," viz:

A treaty with the Kiowa and Comanche tribes, concluded October 21, 1867.

A treaty with the Kiowa, Comanche, and Apache tribes, concluded October 28, 1867.

A treaty with the Arapahoe and Cheyenne tribes, dated October 28, 1867.

A letter of this date from the Secretary of the Interior, transmitting said treaties, is herewith inclosed.

ANDREW JOHNSON.

WASHINGTON, *January 17, 1868.*

To the Senate of the United States:

With reference to the convention between the United States and Denmark for the cession of the islands of St. Thomas and St. John, in the West Indies, I transmit a report from the Secretary of State on the subject of the vote of St. Thomas on the question of accepting the cession.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 23, 1868*.

To the Senate of the United States:

In compliance with the request of the Senate of yesterday, I return herewith their resolution of the 21st instant, calling for information in reference to James A. Seddon, late Secretary of War of the so-called Confederate States.

ANDREW JOHNSON.

WASHINGTON, *January 23, 1868*.

To the Senate of the United States:

I have received the following preamble and resolution, adopted by the Senate on the 8th instant:

> Whereas Senate bill No. 141, and entitled "An act for the further security of equal rights in the District of Columbia," having at this present session passed both Houses of Congress, was afterwards, on the 11th day of December, 1867, duly presented to the President of the United States for his approval and signature; and
>
> Whereas more than ten days, exclusive of Sundays, have since elapsed in this session without said bill having been returned, either approved or disapproved: Therefore,
>
> *Resolved*, That the President of the United States be requested to inform the Senate whether said bill has been delivered to and received by the Secretary of State, as provided by the second section of the act of the 27th day of July, 1789.

As the act which the resolution mentions has no relevancy to the subject under inquiry, it is presumed that it was the intention of the Senate to refer to the law of the 15th September, 1789, the second section of which prescribes—

> That whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved and signed by the President of the United States, or not having been returned by him with his objections, shall become a law or take effect, it shall forthwith thereafter be received by the said Secretary from the President; and whenever a bill, order, resolution, or vote shall be returned by the President with his objections, and shall, on being reconsidered, be agreed to be passed, and be approved by two-thirds of both Houses of Congress, and thereby become a law or take effect, it shall in such case be received by the said Secretary from the President of the Senate or the Speaker of the House of Representatives, in whichsoever House it shall last have been so approved.

Inasmuch as the bill "for the further security of equal rights in the District of Columbia" has not become a law in either of the modes designated in the section above quoted, it has not been delivered to the Secretary of State for record and promulgation. The Constitution expressly declares that—

> If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

As stated in the preamble to the resolution, the bill to which it refers was presented for my approval on the 11th day of December, 1867. On the 20th of same month, and before the expiration of the ten days after the presentation of the bill to the President, the two Houses, in accordance with a concurrent resolution adopted on the 3d [13th] of December, adjourned until the 6th of January, 1868. Congress by their adjournment thus prevented the return of the bill within the time prescribed by the Constitution, and it was therefore left in the precise condition in which that instrument positively declares a bill "shall not be a law."

If the adjournment in December did not cause the failure of this bill, because not such an adjournment as is contemplated by the Constitution in the clause which I have cited, it must follow that such was the nature of the adjournments during the past year, on the 30th day of March until the first Wednesday of July and from the 20th of July until the 21st of November. Other bills will therefore be affected by the decision which may be rendered in this case, among them one having the same title as that named in the resolution, and containing similar provisions, which, passed by both Houses in the month of July last, failed to become a law by reason of the adjournment of Congress before ten days for its consideration had been allowed the Executive.

ANDREW JOHNSON.

WASHINGTON, *January 27, 1868.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 22d instant, calling for a copy of the report of Abram S. Hewitt, commissioner of the United States to the Paris Universal Exhibition of 1867, I transmit a report from the Secretary of State and the papers which accompany it

ANDREW JOHNSON.

WASHINGTON, *January 27, 1868.*

To the Senate and House of Representatives:

I transmit a report from the Secretary of State and the documents to which it refers, in relation to the formal transfer of territory from Russia to the United States in accordance with the treaty of the 30th of March last.

ANDREW JOHNSON.

WASHINGTON, *January 28, 1868.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to its ratification, an additional article to the treaty of navigation and commerce with Russia of the 18th of December, 1832, which additional article was concluded and signed between the plenipotentiaries of the two Governments at Washington on the 27th instant.

ANDREW JOHNSON.

WASHINGTON, *February 3, 1868.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, suggesting the necessity for a further appropriation toward defraying the expense of employing copying clerks, with a view to enable his Department seasonably to answer certain calls for information.

ANDREW JOHNSON.

WASHINGTON, *February 3, 1868.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 27th ultimo, directing the Secretary of State to furnish information in regard to the trial of John H. Surratt, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *February 3, 1868.*

To the House of Representatives:

I transmit herewith a report* from the Secretary of State, in answer to a resolution of the House of Representatives of the 28th of January.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1868.*

To the House of Representatives:

I transmit herewith a communication from the Secretary of the Navy, relative to depredations upon and the future care of the reservations of lands for the "purpose of supplying timber for the Navy of the United States."

ANDREW JOHNSON.

WASHINGTON, D. C., *February 10, 1868.*

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 1st instant, I transmit herewith a report from the Postmaster-General, in reference to the appointment of a special agent to take charge of the post-office at Penn Yan, in the State of New York.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1868*

To the Senate of the United States:

I transmit a report from the Secretary of State, with the accompanying papers on the subject of a transfer of the Peninsula and Bay of

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*Relating to the famine in Sweden and Norway.

Samana to the United States. The advice and consent of the Senate to the transfer, upon the terms proposed in the draft of a convention with the Dominican Republic, are requested.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1868.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, the accompanying consular convention between the United States and the Govenrment of His Majesty the King of Italy.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 10, 1868.*

To the Senate of the United States:

I transmit herewith a report from the Attorney-General, prepared in compliance with the resolution of the Senate of the 30th ultimo, requesting information as to the number of justices of the peace now in commission in each ward, respectively, of the city of Washington.

ANDREW JOHNSON.

WASHINGTON, *February 10, 1868.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 25th of November, 1867, calling for information in relation to the trial and conviction of American citizens in Great Britain and Ireland for the two years last past, I transmit a partial report from the Secretary of State, which is accompanied by a portion of the papers called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 11, 1868.*

To the House of Representatives:

In compliance with the resolution adopted yesterday by the House of Representatives, requesting any further correspondence the President "may have had with General U. S. Grant, in addition to that heretofore submitted, on the subject of the recent vacation by the latter of the War Office," I transmit herewith a copy of a communication addressed to General Grant on the 10th instant, together with a copy of the accompanying papers.

ANDREW JOHNSON.

General U. S. GRANT, EXECUTIVE MANSION, *February 10, 1868.*
Commanding Armies of the United States, Washington, D. C.

GENERAL: The extraordinary character of your letter of the 3d instant* would seem to preclude any reply on my part; but the manner in which publicity has been given to the correspondence of which that letter forms a part and the grave questions which are involved induce me to take this mode of giving, as a proper sequel to the communications which have passed between us, the statements of the five members of the Cabinet who were present on the occasion of our conversation on the 14th ultimo. Copies of the letters which they have addressed to me upon the subject are accordingly herewith inclosed.

You speak of my letter of the 31st ultimo † as a reiteration of the "many and gross misrepresentations" contained in certain newspaper articles, and reassert the correctness of the statements contained in your communication of the 28th ultimo,‡ adding—and here I give your own words—"anything in yours in reply to it to the contrary notwithstanding."

When a controversy upon matters of fact reaches the point to which this has been brought, further assertion or denial between the immediate parties should cease, especially where upon either side it loses the character of the respectful discussion which is required by the relations in which the parties stand to each other and degenerates in tone and temper. In such a case, if there is nothing to rely upon but the opposing statements, conclusions must be drawn from those statements alone and from whatever intrinsic probabilities they afford in favor of or against either of the parties. I should not shrink from this test in this controversy; but, fortunately, it is not left to this test alone. There were five Cabinet officers present at the conversation the detail of which in my letter of the 28th [31st †] ultimo you allow yourself to say contains "many and gross misrepresentations." These gentlemen heard that conversation and have read my statement. They speak for themselves, and I leave the proof without a word of comment.

I deem it proper before concluding this communication to notice some of the statements contained in your letter.

You say that a performance of the promises alleged to have been made by you to the President "would have involved a resistance to law and an inconsistency with the whole history of my connection with the suspension of Mr. Stanton." You then state that you had fears the President would, on the removal of Mr. Stanton, appoint someone in his place who would embarrass the Army in carrying out the reconstruction acts, and add:

"It was to prevent such an appointment that I accepted the office of Secretary of War *ad interim*, and not for the purpose of enabling you to get rid of Mr. Stanton by withholding it from him in opposition to law, or, not doing so myself, surrendering it to one who would, as the statements and assumptions in your communication plainly indicate was sought."

First of all, you here admit that from the very beginning of what you term "the whole history" of your connection with Mr. Stanton's suspension you intended to circumvent the President. It was to carry out that intent that you accepted the appointment. This was in your mind at the time of your acceptance. It was not, then, in obedience to the order of your superior, as has heretofore been supposed, that you assumed the duties of the office. You knew it was the President's purpose to prevent Mr. Stanton from resuming the office of Secretary of War, and you intended to defeat that purpose. You accepted the office, not in the interest of the President but of Mr. Stanton. If this purpose, so entertained by you, had been confined to yourself; if when accepting the office you had done so with a mental reservation to frustrate the President, it would have been a tacit deception. In the ethics of some persons such a course is allowable. But you can not stand even upon that questionable ground. The "history" of your connection with this transaction, as written by yourself, places you in a different predicament, and shows that you not only concealed your design from the President, but induced him to suppose that you would carry out his purpose to keep Mr. Stanton out of office by retaining it yourself after an attempted restoration by the Senate, so as to require Mr. Stanton to establish his right by judicial decision.

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*See pp. 3816–3818. † See pp. 3813–3816. ‡ See pp. 3811–3813.

I now give that part of this "history" as written by yourself in your letter of the 28th ultimo:*

"Some time after I assumed the duties of Secretary of War *ad interim* the President asked me my views as to the course Mr. Stanton would have to pursue, in case the Senate should not concur in his suspension, to obtain possession of his office. My reply was, in substance, that Mr. Stanton would have to appeal to the courts to reinstate him, illustrating my position by citing the ground I had taken in the case of the Baltimore police commissioners."

Now, at that time, as you admit in your letter of the 3d instant,† you held the office for the very object of defeating an appeal to the courts. In that letter you say that in accepting the office one motive was to prevent the President from appointing some other person who would retain possession, and thus make judicial proceedings necessary. You knew the President was unwilling to trust the office with anyone who would not by holding it compel Mr. Stanton to resort to the courts. You perfectly understood that in this interview, "some time" after you accepted the office, the President, not content with your silence, desired an expression of your views, and you answered him that Mr. Stanton "would have to appeal to the courts." If the President reposed confidence *before* he knew your views, and that confidence had been violated, it might have been said he made a mistake; but a violation of confidence reposed *after* that conversation was no mistake of his nor of yours. It is the fact only that needs be stated, that at the date of this conversation you did not intend to hold the office with the purpose of forcing Mr. Stanton into court, but did hold it then and had accepted it to prevent that course from being carried out. In other words, you said to the President, "That is the proper course," and you said to yourself, "I have accepted this office, and now hold it to defeat that course." The excuse you make in a subsequent paragraph of that letter of the 28th ultimo,* that afterwards you changed your views as to what would be a proper course, has nothing to do with the point now under consideration. The point is that *before* you changed your views you had secretly determined to do the very thing which at last you did—surrender the office to Mr. Stanton. You may have changed your views as to the law, but you certainly did not change your views as to the course you had marked out for yourself from the beginning.

I will only notice one more statement in your letter of the 3d instant†—that the performance of the promises which it is alleged were made by you would have involved you in the resistance of law. I know of no statute that would have been violated had you, carrying out your promises in good faith, tendered your resignation when you concluded not to be made a party in any legal proceedings. You add:

"I am in a measure confirmed in this conclusion by your recent orders directing me to disobey orders from the Secretary of War, *my superior* and your subordinate, without having countermanded his authority to issue the orders I am to disobey."

On the 24th‡ ultimo you addressed a note to the President requesting in writing an order given to you verbally five days before to disregard orders from Mr. Stanton as Secretary of War until you "knew from the President himself that they were his orders."

On the 29th,§ in compliance with your request, I did give you instructions in writing "not to obey any order from the War Department assumed to be issued by the

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*See pp. 3811-3813. †See pp. 3816-3818. ‡See p. 3811. §See p. 3813.

LAYING THE TELEGRAPH CABLE IN MID-ATLANTIC

THE ATLANTIC TELEGRAPH

Three achievements of industry are typical of the vigor with which the pursuits of commerce were resumed after the close of the Civil War. The Atlantic telegraph is one; the *Great Eastern* and the Pacific Railroad are the others.

Morse, the inventor of the telegraph, saw no reason why messages could not be transmitted across the Atlantic and energetically expressed his views in public and private. When Cyrus W. Field of New York was interviewed regarding investing in a 400-mile system in Newfoundland, Morse's ideas occurred to him and he determined to run the system from Newfoundland to Europe. In 1854 an association for the purpose was formed. After many failures and disappointments the two vessels supplied by the United States and British Governments met in mid-ocean, spliced their respective portions of the cable, and turned homeward, paying out the cable as they went, as shown by the illustration. The cable extended 1,950 miles and connected Ireland and Newfoundland. This cable soon ceased to work, and the Civil War prevented further efforts until 1865, when the *Great Eastern* started to lay an improved cable. Again failure overtook the project; a sudden heave of the ship snapped the cable and it sank. On July 27, 1866, a permanent cable was laid and Field's labor was rewarded by success.

Presidential references to this undertaking are cited in the Encyclopedic Index, under the heading " Atlantic Telegraph."

direction of the President unless such order is known by the General Commanding the armies of the United States to have been authorized by the Executive."

There are some orders which a Secretary of War may issue without the authority of the President, there are others which he issues simply as the agent of the President, and which purport to be "by direction" of the President. For such orders the President is responsible, and he should therefore know and understand what they are before giving such "direction." Mr. Stanton states in his letter of the 4th instant,* which accompanies the published correspondence, that he "has had no correspondence with the President since the 12th of August last;" and he further says that since he resumed the duties of the office he has continued to discharge them "without any personal or written communication with the President;" and he adds, "No orders have been issued from this Department in the name of the President with my knowledge, and I have received no orders from him."

It thus seems that Mr. Stanton now discharges the duties of the War Department without any reference to the President and without using his name.

My order to you had only reference to orders "assumed to be issued by the direction of the President." It would appear from Mr. Stanton's letter that you have received no such orders from him. However, in your note to the President of the 30th ultimo,† in which you acknowledge the receipt of the written order of the 29th,† you say that you have been informed by Mr. Stanton that he has not received any order limiting his authority to issue orders to the Army, according to the practice of the Department, and state that "while this authority to the War Department is not countermanded it will be satisfactory evidence to me that any orders issued from the War Department by direction of the President are authorized by the Executive."

The President issues an order to you to obey no order from the War Department purporting to be made "by the direction of the President" until you have referred it to him for his approval. You reply that you have received the President's order and will not obey it, but will obey an order purporting to be given by his direction *if it comes from the War Department*. You will not obey the direct order of the President, but will obey his indirect order. If, as you say, there has been a practice in the War Department to issue orders in the name of the President without his direction, does not the precise order you have requested and have received change the practice as to the General of the Army? Could not the President countermand any such order issued to you from the War Department? If you should receive an order from that Department, issued in the name of the President, to do a special act, and an order directly from the President himself not to do the act, is there a doubt which you are to obey? You answer the question when you say to the President, in your letter of the 3d instant,‡ the Secretary of War is "my superior and your subordinate," and yet you refuse obedience to the superior out of a deference to the subordinate.

Without further comment upon the insubordinate attitude which you have assumed, I am at a loss to know how you can relieve yourself from obedience to the orders of the President, who is made by the Constitution the Commander in Chief of the Army and Navy, and is therefore the official superior as well of the General of the Army as of the Secretary of War.

Respectfully, yours, ANDREW JOHNSON.

[Letter addressed to each of the members of the Cabinet present at the conversation between the President and General Grant on the 14th of January, 1868, and answers thereto.]

EXECUTIVE MANSION, *Washington, D. C., February 5, 1868.*

SIR: The Chronicle of this morning contains a correspondence between the President and General Grant reported from the War Department in answer to a resolution of the House of Representatives.

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* See pp. 3810–3811.
† See p. 3813.
‡ See pp. 3816–3818.

I beg to call your attention to that correspondence, and especially to that part of it which refers to the conversation between the President and General Grant at the Cabinet meeting on Tuesday, the 14th of January, and to request you to state what was said in that conversation.

Very respectfully, yours,

ANDREW JOHNSON.

WASHINGTON, D. C., *February 5, 1868.*

The PRESIDENT.

SIR: Your note of this date was handed to me this evening. My recollection of the conversation at the Cabinet meeting on Tuesday, the 14th of January, corresponds with your statement of it in the letter of the 31st ultimo* in the published correspondence.

The three points specified in that letter, giving your recollection of the conversation, are correctly stated.

Very respectfully,

GIDEON WELLES.

TREASURY DEPARTMENT, *February 6, 1868.*

The PRESIDENT.

SIR: I have received your note of the 5th instant, calling my attention to the correspondence between yourself and General Grant as published in the Chronicle of yesterday, especially to that part of it which relates to what occurred at the Cabinet meeting on Tuesday, the 14th ultimo, and requesting me to state what was said in the conversation referred to.

I can not undertake to state the precise language used, but I have no hesitation in saying that your account of that conversation as given in your letter to General Grant under date of the 31st ultimo* substantially and in all important particulars accords with my recollection of it.

With great respect, your obedient servant,

HUGH McCULLOCH.

POST-OFFICE DEPARTMENT,
Washington, February 6, 1868.

The PRESIDENT.

SIR: I am in receipt of your letter of the 5th of February, calling my attention to the correspondence published in the Chronicle between the President and General Grant, and especially to that part of it which refers to the conversation between the President and General Grant at the Cabinet meeting on Tuesday, the 14th of January, with a request that I state what was said in that conversation.

In reply I have the honor to state that I have read carefully the correspondence in question, and particularly the letter of the President to General Grant dated January 31, 1868.* The following extract from your letter of the 31st January to General Grant is, according to my recollection, a correct statement of the conversation that took place between the President and General Grant at the Cabinet meeting on the 14th of January last. In the presence of the Cabinet the President asked General Grant whether, "in conversation which took place after his appointment as Secretary of War *ad interim*, he did not agree either to remain at the head of the War Department and abide any judicial proceedings that might follow the nonconcurrence by the Senate in Mr. Stanton's suspension, or, should he wish not to become involved in such a controversy, to put the President in the same position with respect to the office as he occupied previous to General Grant's appointment, by returning it to the President in time to anticipate such action by the Senate." This General Grant admitted.

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*See pp. 3813-3816.

The President then asked General Grant if at the conference on the preceding Saturday he had not, to avoid misunderstanding, requested General Grant to state what he intended to do, and, further, if in reply to that inquiry he (General Grant) had not referred to their former conversations, saying that from them the President understood his position, and that his (General Grant's) action would be consistent with the understanding which had been reached.

To these questions General Grant replied in the affirmative.

The President asked General Grant if at the conclusion of their interview on Saturday it was not understood that they were to have another conference on Monday before final action by the Senate in the case of Mr. Stanton.

General Grant replied that such was the understanding, but that he did not suppose the Senate would act so soon; that on Monday he had been engaged in a conference with General Sherman, and was occupied with "many little matters," and asked if General Sherman had not called on that day.

I take this mode of complying with the request contained in the President's letter to me, because my attention had been called to the subject before, when the conversation between the President and General Grant was under consideration.

Very respectfully, your obedient servant,

ALEX. W. RANDALL,
Postmaster-General.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 6, 1868.

The PRESIDENT.

SIR: I am in receipt of yours of yesterday, calling my attention to a correspondence between yourself and General Grant published in the Chronicle newspaper, and especially to that part of said correspondence "which refers to the conversation between the President and General Grant at the Cabinet meeting on Tuesday, the 14th of January," and requesting me "to state what was said in that conversation."

In reply I submit the following statement: At the Cabinet meeting on Tuesday, the 14th of January, 1868, General Grant appeared and took his accustomed seat at the board. When he had been reached in the order of business, the President asked him, as usual, if he had anything to present.

In reply the General, after referring to a note which he had that morning addressed to the President, inclosing a copy of the resolution of the Senate refusing to concur in the reasons for the suspension of Mr. Stanton, proceeded to say that he regarded his duties as Secretary of War *ad interim* terminated by that resolution, and that he could not lawfully exercise such duties for a moment after the adoption of the resolution by the Senate; that the resolution reached him last night, and that this morning he had gone to the War Department, entered the Secretary's room, bolted one door on the inside, locked the other on the outside, delivered the key to the Adjutant-General, and proceeded to the Headquarters of the Army and addressed the note above mentioned to the President, informing him that he (General Grant) was no longer Secretary of War *ad interim*.

The President expressed great surprise at the course which General Grant had thought proper to pursue, and, addressing himself to the General, proceeded to say, in substance, that he had anticipated such action on the part of the Senate, and, being very desirous to have the constitutionality of the tenure-of-office bill tested and his right to suspend or remove a member of the Cabinet decided by the judicial tribunals of the country. he had some time ago, and shortly after General Grant's appointment as Secretary of War *ad interim*, asked the General what his action would be in the event that the Senate should refuse to concur in the suspension of

Mr. Stanton, and that the General had then agreed either to remain at the head of the War Department till a decision could be obtained from the court or resign the office into the hands of the President before the case was acted upon by the Senate, so as to place the President in the same situation he occupied at the time of his (Grant's) appointment.

The President further said that the conversation was renewed on the preceding Saturday, at which time he asked the General what he intended to do if the Senate should undertake to reinstate Mr. Stanton, in reply to which the General referred to their former conversation upon the same subject and said: "You understand my position, and my conduct will be conformable to that understanding;" that he (the General) then expressed a repugnance to being made a party to a judicial proceeding, saying that he would expose himself to fine and imprisonment by doing so, as his continuing to discharge the duties of Secretary of War *ad interim* after the Senate should have refused to concur in the suspension of Mr. Stanton would be a violation of the tenure-of-office bill; that in reply to this he (the President) informed General Grant he had not suspended Mr. Stanton under the tenure-of-office bill, but by virtue of the powers conferred on him by the Constitution; and that, as to the fine and imprisonment, he (the President) would pay whatever fine was imposed and submit to whatever imprisonment might be adjudged against him (the General); that they continued the conversation for some time, discussing the law at length, and that they finally separated without having reached a definite conclusion, and with the understanding that the General would see the President again on Monday.

In reply General Grant admitted that the conversations had occurred, and said that at the first conversation he had given it as his opinion to the President that in the event of nonconcurrence by the Senate in the action of the President in respect to the Secretary of War the question would have to be decided by the court—that Mr. Stanton would have to appeal to the court to reinstate him in office; that the *ins* would remain in till they could be displaced and the *outs* put in by legal proceedings; and that he *then* thought so, and had agreed that if he should change his mind he would notify the President in time to enable him to make another appointment, but that at the time of the first conversation he had not looked very closely into the law; that it had recently been discussed by the newspapers, and that this had induced him to examine it more carefully, and that he had come to the conclusion that if the Senate should refuse to concur in the suspension Mr. Stanton would thereby be reinstated, and that he (Grant) could not continue thereafter to act as Secretary of War *ad interim* without subjecting himself to fine and imprisonment, and that he came over on Saturday to inform the President of this change in his views, and did so inform him; that the President replied that he had not suspended Mr. Stanton under the tenure-of-office bill, but under the Constitution, and had appointed him (Grant) by virtue of the authority derived from the Constitution, etc.; that they continued to discuss the matter some time, and finally he left, without any conclusion having been reached, expecting to see the President again on Monday.

He then proceeded to explain why he had not called on the President on Monday, saying that he had had a long interview with General Sherman, that various little matters had occupied his time till it was late, and that he did not think the Senate would act so soon, and asked: "Did not General Sherman call on you on Monday?"

I do not know what passed between the President and General Grant on Saturday, except as I learned it from the conversation between them at the Cabinet meeting on Tuesday, and the foregoing is substantially what then occurred. The precise words used on the occasion are not, of course, given exactly in the order in which they were spoken, but the ideas expressed and the facts stated are faithfully preserved and presented.

I have the honor to be, sir, with great respect, your obedient servant,

O. H. BROWNING.

DEPARTMENT OF STATE,
Washington, February 6, 1868.

The PRESIDENT.

SIR: The meeting to which you refer in your letter was a regular Cabinet meeting. While the members were assembling, and before the President had entered the council chamber, General Grant on coming in said to me that he was in attendance there, not as a member of the Cabinet, but upon invitation, and I replied by the inquiry whether there was a change in the War Department. After the President had taken his seat, business went on in the usual way of hearing matters submitted by the several Secretaries. When the time came for the Secretary of War, General Grant said that he was now there, not as Secretary of War, but upon the President's invitation; that he had retired from the War Department. A slight difference then appeared about the supposed invitation, General Grant saying that the officer who had borne his letter to the President that morning announcing his retirement from the War Department had told him that the President desired to see him at the Cabinet, to which the President answered that when General Grant's communication was delivered to him the President simply replied that he supposed General Grant would be very soon at the Cabinet meeting. I regarded the conversation thus begun as an incidental one. It went on quite informally, and consisted of a statement on your part of your views in regard to the understanding of the tenure upon which General Grant had assented to hold the War Department *ad interim* and of his replies by way of answer and explanation. It was respectful and courteous on both sides. Being in this conversational form, its details could only have been preserved by verbatim report. So far as I know, no such report was made at the time. I can give only the general effect of the conversation. Certainly you stated that, although you had reported the reasons for Mr. Stanton's suspension to the Senate, you nevertheless held that he would not be entitled to resume the office of Secretary of War even if the Senate should disapprove of his suspension, and that you had proposed to have the question tested by judicial process, to be applied to the person who should be the incumbent of the Department under your designation of Secretary of War *ad interim* in the place of Mr. Stanton. You contended that this was well understood between yourself and General Grant; that when he entered the War Department as Secretary *ad interim* he expressed his concurrence in a belief that the question of Mr. Stanton's restoration would be a question for the courts; that in a subsequent conversation with General Grant you had adverted to the understanding thus had, and that General Grant expressed his concurrence in it; that at some conversation which had been previously held General Grant said he still adhered to the same construction of the law, but said if he should change his opinion he would give you seasonable notice of it, so that you should in any case be placed in the same position in regard to the War Department that you were while General Grant held it *ad interim*. I did not understand General Grant as denying nor as explicitly admitting these statements in the form and full extent to which you made them. His admission of them was rather indirect and circumstantial, though I did not understand it to be an evasive one. He said that, reasoning from what occurred in the case of the police in Maryland, which he regarded as a parallel one, he was of opinion, and so assured you, that it would be his right and duty under your instructions to hold the War Office after the Senate should disapprove of Mr. Stanton's suspension until the question should be decided upon by the courts; that he remained until very recently of that opinion, and that on the Saturday before the Cabinet meeting a conversation was held between yourself and him in which the subject was generally discussed.

General Grant's statement was that in that conversation he had stated to you the legal difficulties which might arise, involving fine and imprisonment, under the civil-tenure bill, and that he did not care to subject himself to those penalties; that you replied to this remark that you regarded the civil-tenure bill as unconstitutional and did not think its penalties were to be feared, or that you would voluntarily assume them; and you insisted that General Grant should either retain the office until relieved by yourself, according to what you claimed was the original understanding between yourself and him, or, by seasonable notice of change of purpose on his part, put you in the same situation which you would be if he adhered. You claimed that General Grant finally said in that Saturday's conversation that you understood his views, and his proceedings thereafter would be consistent with what had been so understood. General Grant did not controvert, nor can I say that he admitted, this last statement. Certainly General Grant did not at any time in the Cabinet meeting insist that he had in the Saturday's conversation, either distinctly or finally, advised you of his determination to retire from the charge of the War Department otherwise than under your own subsequent direction. He acquiesced in your statement that the Saturday's conversation ended with an expectation that there would be a subsequent conference on the subject, which he, as well as yourself, supposed could seasonably take place on Monday. You then alluded to the fact that General Grant did not call upon you on Monday, as you had expected from that conversation. General Grant admitted that it was his expectation or purpose to call upon you on Monday. General Grant assigned reasons for the omission. He said he was in conference with General Sherman; that there were many little matters to be attended to; he had conversed upon the matter of the incumbency of the War Department with General Sherman, and he expected that General Sherman would call upon you on Monday. My own mind suggested a further explanation, but I do not remember whether it was mentioned or not, namely, that it was not supposed by General Grant on Monday that the Senate would decide the question so promptly as to anticipate further explanation between yourself and him if delayed beyond that day. General Grant made another explanation—that he was engaged on Sunday with General Sherman, and I think, also, on Monday, in regard to the War Department matter, with a hope, though he did not say in an effort, to procure an amicable settlement of the affair of Mr. Stanton, and he still hoped that it would be brought about.

I have the honor to be, with great respect, your obedient servant,

WILLIAM H. SEWARD.

WASHINGTON, D. C., *February 11, 1868.*

To the House of Representatives:

The accompanying letter from General Grant, received since the transmission to the House of Representatives of my communication of this date, is submitted to the House as a part of the correspondence referred to in the resolution of the 10th instant.

ANDREW JOHNSON.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 11, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant,* accompanied by statements of five Cabinet ministers of their recollection of what occurred in Cabinet meeting on the 14th of January. Without admitting anything in these statements where they differ from anything heretofore stated by me, I propose to notice only that portion of your communication wherein I am **charged with insubordination.** I think it will be plain to the reader of my letter of the 30th of January[*] that I did not propose to disobey any legal order of the President distinctly given, but only gave an interpretation of what would be regarded as satisfactory evidence of the President's sanction to orders communicated by the Secretary of War. I will say here that your letter of the 10th instant[†] contains the first intimation I have had that you did not accept that interpretation.

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*See pp. 3801-3808.

Now for reasons for giving that interpretation. It was clear to me before my letter of January 30[*] was written that I, the person having more public business to transact with the Secretary of War than any other of the President's subordinates, was the only one who had been instructed to disregard the authority of Mr. Stanton where his authority was derived as agent of the President.

On the 27th of January I received a letter from the Secretary of War (copy herewith) directing me to furnish escort to public treasure from the Rio Grande to New Orleans, etc., at the request of the Secretary of the Treasury to him. I also send two other inclosures, showing recognition of Mr. Stanton as Secretary of War by both the Secretary of the Treasury and the Postmaster-General, in all of which cases the Secretary of War had to call upon me to make the orders requested or give the information desired, and where his authority to do so is derived, in my view, as agent of the President.

With an order so clearly ambiguous as that of the President here referred to, it was my duty to inform the President of my interpretation of it and to abide by that interpretation until I received other orders.

Disclaiming any intention, now or heretofore, of disobeying any legal order of the President distinctly communicated,

I remain, very respectfully, your obedient servant,

U. S. GRANT, *General.*

WAR DEPARTMENT,
Washington City, January 27, 1868.

General U. S. GRANT,
Commanding Army United States.

GENERAL: The Secretary of the Treasury has requested this Department to afford A. F. Randall, special agent of the Treasury Department, such military aid as may be necessary to secure and forward for deposit from Brownsville, Tex., to New Orleans public moneys in possession of custom-house officers at Brownsville, and which are deemed insecure at that place.

You will please give such directions as you may deem proper to the officer commanding at Brownsville to carry into effect the request of the Treasury Department, the instructions to be sent by telegraph to Galveston, to the care of A. F. Randall, special agent, who is at Galveston waiting telegraphic orders, there being no telegraphic communication with Brownsville, and the necessity for military protection to the public moneys represented as urgent.

Please favor me with a copy of such instructions as you may give, in order that they may be communicated to the Secretary of the Treasury.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

POST-OFFICE DEPARTMENT, CONTRACT OFFICE,
Washington, February 3, 1868.

The Honorable the SECRETARY OF WAR.

SIR: It has been represented to this Department that in October last a military commission was appointed to settle upon some general plan of defense for the Texas frontiers, and that the said commission has made a report recommending a line of posts from the Rio Grande to the Red River.

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[*] See p. 3813.

[†] See pp. 3801–3803.

An application is now pending in this Department for a change in the course of the San Antonio and El Paso mail, so as to send it by way of Forts Mason, Griffin, and Stockton instead of Camps Hudson and Lancaster. This application requires immediate decision, but before final action can be had thereon it is desired to have some official information as to the report of the commission above referred to.

Accordingly, I have the honor to request that you will cause this Department to be furnished as early as possible with the information desired in the premises, and also with a copy of the report, if any has been made by the commission. Very respectfully, etc.,

GEORGE. W. McLELLAN,
Second Assistant Postmaster-General.

FEBRUARY 3, 1868.

Referred to the General of the Army for report.

EDWIN M. STANTON,
Secretary of War.

TREASURY DEPARTMENT, *January 29, 1868.*

The Honorable SECRETARY OF WAR.

SIR: It is represented to this Department that a band of robbers has obtained such a foothold in the section of country between Humboldt and Lawrence, Kans., committing depredations upon travelers, both by public and private conveyance, that the safety of the public money collected by the receiver of the land office at Humboldt requires that it should be guarded during its transit from Humboldt to Lawrence. I have therefore the honor to request that the proper commanding officer of the district may be instructed by the War Department, if in the opinion of the honorable Secretary of War it can be done without prejudice to the public interests, to furnish a sufficient military guard to protect such moneys as may be *in transitu* from the above office for the purpose of being deposited to the credit of the Treasurer of the United States. As far as we are now advised, such service will not be necessary oftener than once a month. Will you please advise me of the action taken, that I may instruct the receiver and the Commissioner of the General Land Office in the matter?

Very respectfully, your obedient servant,

H. McCULLOCH,
Secretary of the Treasury.

Respectfully referred to the General of the Army to give the necessary orders in this case and to furnish this Department a copy for the information of the Secretary of the Treasury.

By order of the Secretary of War:

ED. SCHRIVER,
Inspector-General.

[The following are inserted because they have direct bearing on the two messages from the President of February 11, 1868, and their inclosures.]

WAR DEPARTMENT,
Washington City, February 4, 1868.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

SIR: In answer to the resolution of the House of Representatives of the 3d instant, I transmit herewith copies furnished me by General Grant of correspondence between him and the President relating to the Secretary of War, and which he reports to be all the correspondence he has had with the President on the subject.

I have had no correspondence with the President since the 12th of August last.

After the action of the Senate on his alleged reason for my suspension from the office of Secretary of War, I resumed the duties of that office, as required by the act of Congress, and have continued to discharge them without any personal or written communication with the President. No orders have been issued from this Department in the name of the President with my knowledge, and I have received no orders from him.

The correspondence sent herewith embraces all the correspondence known to me on the subject referred to in the resolution of the House of Representatives.

I have the honor to be, sir, with great respect, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

General Grant to the President.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, January 24, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: I have the honor very respectfully to request to have in writing the order which the President gave me verbally on Sunday, the 19th instant, to disregard the orders of the Hon. E. M. Stanton as Secretary of War until I knew from the President himself that they were his orders.

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

General Grant to the President.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., January 28, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: On the 24th instant I requested you to give me in writing the instructions which you had previously given me verbally not to obey any order from Hon. E. M. Stanton, Secretary of War, unless I knew that it came from yourself. To this written request I received a message that has left doubt in my mind of your intentions. To prevent any possible misunderstanding, therefore, I renew the request that you will give me written instructions, and till they are received will suspend action on your verbal ones.

I am compelled to ask these instructions in writing in consequence of the many and gross misrepresentations affecting my personal honor circulated through the press for the last fortnight, purporting to come from the President, of conversations which occurred either with the President privately in his office or in Cabinet meeting. What is written admits of no misunderstanding.

In view of the misrepresentations referred to, it will be well to state the facts in the case.

Some time after I assumed the duties of Secretary of War *ad interim* the President asked me my views as to the course Mr. Stanton would have to pursue, in case the Senate should not concur in his suspension, to obtain possession of his office. My reply was, in substance, that Mr. Stanton would have to appeal to the courts to reinstate him, illustrating my position by citing the ground I had taken in the case of the Baltimore police commissioners.

In that case I did not doubt the technical right of Governor Swann to remove the old commissioners and to appoint their successors. As the old commissioners refused to give up, however, I contended that no resource was left but to appeal to the courts.

Finding that the President was desirous of keeping Mr. Stanton out of office, whether sustained in the suspension or not, I stated that I had not looked particularly into the tenure-of-office bill, but that what I had stated was a general principle, and if I should change my mind in this particular case I would inform him of the fact.

Subsequently, on reading the tenure-of-office bill closely, I found that I could not, without violation of the law, refuse to vacate the office of Secretary of War the moment Mr. Stanton was reinstated by the Senate, even though the President should order me to retain it, which he never did.

Taking this view of the subject, and learning on Saturday, the 11th instant, that the Senate had taken up the subject of Mr. Stanton's suspension, after some conversation with Lieutenant-General Sherman and some members of my staff, in which I stated that the law left me no discretion as to my action should Mr. Stanton be reinstated, and that I intended to inform the President, I went to the President for the sole purpose of making this decision known, and did so make it known.

In doing this I fulfilled the promise made in our last preceding conversation on the subject.

The President, however, instead of accepting my view of the requirements of the tenure-of-office bill, contended that he had suspended Mr. Stanton under the authority given by the Constitution, and that the same authority did not preclude him from reporting, as an act of courtesy, his reasons for the suspension to the Senate; that, having appointed me under the authority given by the Constitution, and not under any act of Congress, I could not be governed by the act. I stated that the law was binding on me, constitutional or not, until set aside by the proper tribunal. An hour or more was consumed, each reiterating his views on this subject, until, getting late, the President said he would see me again.

I did not agree to call again on Monday, nor at any other definite time, nor was I sent for by the President until the following Tuesday.

From the 11th to the Cabinet meeting on the 14th instant a doubt never entered my mind about the President's fully understanding my position, namely, that if the Senate refused to concur in the suspension of Mr. Stanton my powers as Secretary of War *ad interim* would cease and Mr. Stanton's right to resume at once the functions of his office would under the law be indisputable, and I acted accordingly. With Mr. Stanton I had no communication, direct nor indirect, on the subject of his reinstatement during his suspension.

I knew it had been recommended to the President to send in the name of Governor Cox, of Ohio, for Secretary of War, and thus save all embarrassment—a proposition that I sincerely hoped he would entertain favorably; General Sherman seeing the President at my particular request to urge this on the 13th instant.

On Tuesday (the day Mr. Stanton reentered the office of the Secretary of War) General Comstock, who had carried my official letter announcing that with Mr. Stanton's reinstatement by the Senate I had ceased to be Secretary of War *ad interim*, and who saw the President open and read the communication, brought back to me from the President a message that he wanted to see me that day at the Cabinet meeting, after I had made known the fact that I was no longer Secretary of War *ad interim*.

At this meeting, after opening it as though I were a member of the Cabinet, when reminded of the notification already given him that I was no longer Secretary of War *ad interim*, the President gave a version of the conversations alluded to already. In this statement it was asserted that in both conversations I had agreed to hold on to the office of Secretary of War until displaced by the courts, or resign, so as to place the President where he would have been had I never accepted the office. After hearing the President through, I stated our conversations substantially as given in this letter. I will add that my conversation before the Cabinet embraced other matter not pertinent here, and is therefore left out.

I in no wise admitted the correctness of the President's statement of our conversations, though, to soften the evident contradiction my statement gave, I said (alluding to our first conversation on the subject) the President might have understood me the way he said, namely, that I had promised to resign if I did not resist the reinstatement. I made no such promise.

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

HEADQUARTERS ARMY OF THE UNITED STATES,
January 30, 1868.

Respectfully forwarded to the Secretary of War for his information.

U. S. GRANT, *General.*

[Indorsement of the President on General Grant's note of January 24, 1868.*]

JANUARY 29, 1868.

As requested in this communication, General Grant is instructed in writing not to obey any order from the War Department assumed to be issued by the direction of the President unless such order is known by the General Commanding the armies of the United States to have been authorized by the Executive.

ANDREW JOHNSON.

General Grant to the President.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, January 30, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: I have the honor to acknowledge the return of my note of the 24th instant,* with your indorsement thereon, that I am not to obey any order from the War Department assumed to be issued by the direction of the President unless such order is known by me to have been authorized by the Executive, and in reply thereto to say that I am informed by the Secretary of War that he has not received from the Executive any order or instructions limiting or impairing his authority to issue orders to the Army, as has heretofore been his practice under the law and the customs of the Department. While this authority to the War Department is not countermanded it will be satisfactory evidence to me that any orders issued from the War Department by direction of the President are authorized by the Executive.

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

HEADQUARTERS ARMY UNITED STATES,
January 30, 1868.

Respectfully forwarded to the Secretary of War for his information.

U. S. GRANT, *General.*

The President to General Grant.

EXECUTIVE MANSION, *January 31, 1868.*

General U. S. GRANT,
Commanding United States Armies.

GENERAL: I have received your communication of the 28th instant,† renewing your request of the 24th,* that I should repeat in a written form my verbal instructions of the 19th instant, viz, that you obey no order from the Hon. Edwin M. Stanton as Secretary of War unless you have information that it was issued by the President's directions.

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*See p. 3811. †See pp. 3811-3813.

In submitting this request (with which I complied on the 29th instant*) you take occasion to allude to recent publications in reference to the circumstances connected with the vacation by yourself of the office of Secretary of War *ad interim*, and with the view of correcting statements which you term "gross misrepresentations" give at length your own recollection of the facts under which, without the sanction of the President, from whom you had received and accepted the appointment, you yielded the Department of War to the present incumbent.

As stated in your communication, some time after you had assumed the duties of Secretary of War *ad interim* we interchanged views respecting the course that should be pursued in the event of nonconcurrence by the Senate in the suspension from office of Mr. Stanton. I sought that interview, calling myself at the War Department. My sole object in then bringing the subject to your attention was to ascertain definitely what would be your own action should such an attempt be made for his restoration to the War Department. That object was accomplished, for the interview terminated with the distinct understanding that if upon reflection you should prefer not to become a party to the controversy or should conclude that it would be your duty to surrender the Department to Mr. Stanton upon action in his favor by the Senate you were to return the office to me prior to a decision by the Senate, in order that if I desired to do so I might designate someone to succeed you. It must have been apparent to you that had not this understanding been reached it was my purpose to relieve you from the further discharge of the duties of Secretary of War *ad interim* and to appoint some other person in that capacity.

Other conversations upon this subject ensued, all of them having on my part the same object and leading to the same conclusion as the first. It is not necessary, however, to refer to any of them excepting that of Saturday, the 11th instant, mentioned in your communication. As it was then known that the Senate had proceeded to consider the case of Mr. Stanton, I was anxious to learn your determination. After a protracted interview, during which the provisions of the tenure-of-office bill were freely discussed, you said that, as had been agreed upon in our first conference, you would either return the office to my possession in time to enable me to appoint a successor before final action by the Senate upon Mr. Stanton's suspension, or would remain as its head, awaiting a decision of the question by judicial proceedings. It was then understood that there would be a further conference on Monday, by which time I supposed you would be prepared to inform me of your final decision. You failed, however, to fulfill the engagement, and on Tuesday notified me in writing of the receipt by you of official notification of the action of the Senate in the case of Mr. Stanton, and at the same time informed me that according to the act regulating the tenure of certain civil offices your functions as Secretary of War *ad interim* ceased from the moment of the receipt of the notice. You thus, in disregard of the understanding between us, vacated the office without having given me notice of your intention to do so. It is but just, however, to say that in your communication you claim that you did inform me of your purpose, and thus "fulfilled the promise made in our last preceding conversation on this subject." The fact that such a promise existed is evidence of an arrangement of the kind I have mentioned. You had found in our first conference "that the President was desirous of keeping Mr. Stanton out of office whether sustained in the suspension or not." You knew what reasons had induced the President to ask from you a promise; you also knew that in case your views of duty did not accord with his own convictions it was his purpose to fill your place by another appointment. Even ignoring the existence of a positive understanding between us, these conclusions were plainly deducible from our various conversations. It is certain, however, that even under these circumstances you did not offer to return the place to my possession, but, according to your own statement, placed yourself in a position where, could I have anticipated your action, I would have been compelled to ask of you, as I was compelled to ask of your predecessor in the War Department, a letter of resignation, or else to resort to the more disagreeable expedient of suspending you by a successor.

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*See p. 3813.

As stated in your letter, the nomination of Governor Cox, of Ohio, for the office of Secretary of War was suggested to me. His appointment as Mr. Stanton's successor was urged in your name, and it was said that his selection would save further embarrassment. I did not think that in the selection of a Cabinet officer I should be trammeled by such considerations. I was prepared to take the responsibility of deciding the question in accordance with my ideas of constitutional duty, and, having determined upon a course which I deemed right and proper, was anxious to learn the steps you would take should the possession of the War Department be demanded by Mr. Stanton. Had your action been in conformity to the understanding between us, I do not believe that the embarrassment would have attained its present proportions or that the probability of its repetition would have been so great.

I know that, with a view to an early termination of a state of affairs so detrimental to the public interests, you voluntarily offered, both on Wednesday, the 15th instant, and on the succeeding Sunday, to call upon Mr. Stanton and urge upon him that the good of the service required his resignation. I confess that I considered your proposal as a sort of reparation for the failure on your part to act in accordance with an understanding more than once repeated, which I thought had received your full assent, and under which you could have returned to me the office which I had conferred upon you, thus saving yourself from embarrassment and leaving the responsibility where it properly belonged—with the President, who is accountable for the faithful execution of the laws.

I have not yet been informed by you whether, as twice proposed by yourself, you have called upon Mr. Stanton and made an effort to induce him voluntarily to retire from the War Department.

You conclude your communication with a reference to our conversation at the meeting of the Cabinet held on Tuesday, the 14th instant. In your account of what then occurred you say that after the President had given his version of our previous conversations you stated them substantially as given in your letter; that you in no wise admitted the correctness of his statement of them, "though, to soften the evident contradiction my statement gave, I said (alluding to our first conversation on the subject) the President might have understood me the way he said, namely, that I had promised to resign if I did not resist the reinstatement. I made no such promise."

My recollection of what then transpired is diametrically the reverse of your narration. In the presence of the Cabinet I asked you—

First. If, in a conversation which took place shortly after your appointment as Secretary of War *ad interim*, you did not agree either to remain at the head of the War Department and abide any judicial proceedings that might follow nonconcurrence by the Senate in Mr. Stanton's suspension, or, should you wish not to become involved in such a controversy, to put me in the same position with respect to the office as I occupied previous to your appointment, by returning it to me in time to anticipate such action by the Senate. This you admitted.

Second. I then asked you if, at our conference on the preceding Saturday, I had not, to avoid misunderstanding, requested you to state what you intended to do, and, further, if in reply to that inquiry you had not referred to our former conversations, saying that from them I understood your position, and that your action would be consistent with the understanding which had been reached. To these questions you also replied in the affirmative.

Third. I next asked if at the conclusion of our interview on Saturday it was not understood that we were to have another conference on Monday before final action by the Senate in the case of Mr. Stanton. You replied that such was the understanding, but that you did not suppose the Senate would act so soon; that on Monday you had been engaged in a conference with General Sherman and were occupied with "many little matters," and asked if General Sherman had not called on that day. What relevancy General Sherman's visit to me on Monday had with the purpose for which you were then to have called I am at a loss to perceive, as he certainly did not inform me whether you had determined to retain possession of the office or to afford me an opportunity to appoint a successor in advance of any attempted reinstatement of Mr. Stanton.

This account of what passed between us at the Cabinet meeting on the 14th instant widely differs from that contained in your communication, for it shows that instead of having "stated our conversations as given in the letter" which has made this reply necessary you admitted that my recital of them was entirely accurate. Sincerely anxious, however, to be correct in my statements, I have to-day read this narration of what occurred on the 14th instant to the members of the Cabinet who were then present. They, without exception, agree in its accuracy.

It is only necessary to add that on Wednesday morning, the 15th instant, you called on me, in company with Lieutenant-General Sherman. After some preliminary conversation, you remarked that an article in the National Intelligencer of that date did you much injustice. I replied that I had not read the Intelligencer of that morning. You then first told me that it was your intention to urge Mr. Stanton to resign his office.

After you had withdrawn I carefully read the article of which you had spoken, and found that its statements of the understanding between us were substantially correct. On the 17th I caused it to be read to four of the five members of the Cabinet who were present at our conference on the 14th, and they concurred in the general accuracy of its statements respecting our conversation upon that occasion.

In reply to your communication, I have deemed it proper, in order to prevent further misunderstanding, to make this simple recital of facts.

Very respectfully, yours,

ANDREW JOHNSON.

General Grant to the President.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 3, 1868.

His Excellency A. JOHNSON,
President of the United States.

SIR: I have the honor to acknowledge the receipt of your communication of the 31st ultimo,* in answer to mine of the 28th ultimo.† After a careful reading and comparison of it with the article in the National Intelligencer of the 15th ultimo and the article over the initials J. B. S. in the New York World of the 27th ultimo, purporting to be based upon your statement and that of the members of your Cabinet therein named, I find it to be but a reiteration, only somewhat more in detail, of the "many and gross misrepresentations" contained in these articles, and which my statement of the facts set forth in my letter of the 28th ultimo† was intended to correct; and I here reassert the correctness of my statements in that letter, anything in yours in reply to it to the contrary notwithstanding.

I confess my surprise that the Cabinet officers referred to should so greatly misapprehend the facts in the matter of admissions alleged to have been made by me at the Cabinet meeting of the 14th ultimo as to suffer their names to be made the basis of the charges in the newspaper article referred to, or agree in the accuracy, as you affirm they do, of your account of what occurred at that meeting.

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*See pp. 3813-3816.

†See pp. 3811-3813.

You know that we parted on Saturday, the 11th ultimo, without any promise on my part, either express or implied, to the effect that I would hold on to the office of Secretary of War *ad interim* against the action of the Senate, or, declining to do so myself, would surrender it to you before such action was had, or that I would see you again at any fixed time on the subject.

The performance of the promises alleged by you to have been made by me would have involved a resistance to law and an inconsistency with the whole history of my connection with the suspension of Mr. Stanton.

From our conversations and my written protest of August 1, 1867, against the removal of Mr. Stanton, you must have known that my greatest objection to his removal or suspension was the fear that someone would be appointed in his stead who would, by opposition to the laws relating to the restoration of the Southern States to their proper relations to the Government, embarrass the Army in the performance of duties especially imposed upon it by these laws; and it was to prevent such an appointment that I accepted the office of Secretary of War *ad interim*, and not for the purpose of enabling you to get rid of Mr. Stanton by my withholding it from him in opposition to law, or, not doing so myself, surrendering it to one who would, as the statement and assumptions in your communication plainly indicate was sought. And it was to avoid this same danger, as well as to relieve you from the personal embarrassment in which Mr. Stanton's reinstatement would place you, that I urged the appointment of Governor Cox, believing that it would be agreeable to you and also to Mr. Stanton, satisfied as I was that it was the good of the country, and not the office, the latter desired.

On the 15th ultimo, in presence of General Sherman, I stated to you that I thought Mr. Stanton would resign, but did not say that I would advise him to do so. On the 18th I did agree with General Sherman to go and advise him to that course, and on the 19th I had an interview alone with Mr. Stanton, which led me to the conclusion that any advice to him of the kind would be useless, and I so informed General Sherman.

Before I consented to advise Mr. Stanton to resign, I understood from him, in a conversation on the subject immediately after his reinstatement, that it was his opinion that the act of Congress entitled "An act temporarily to supply vacancies in the Executive Departments in certain cases," approved February 20, 1863, was repealed by subsequent legislation, which materially influenced my action. Previous to this time I had had no doubt that the law of 1863 was still in force, and, notwithstanding my action, a fuller examination of the law leaves a question in my mind whether it is or is not repealed. This being the case, I could not now advise his resignation, lest the same danger I apprehended on his first removal might follow.

The course you would have it understood I agreed to pursue was in violation of law and without orders from you, while the course I did pursue, and which I never doubted you fully understood, was in accordance with law and not in disobedience of any orders of my superior.

And now, Mr. President, when my honor as a soldier and integrity as a man have been so violently assailed, pardon me for saying that I can but regard this whole matter, from the beginning to the end, as an attempt to involve me in the resistance of law, for which you hesitated to assume the responsibility in orders, and thus to destroy my character before the country. I am in a measure confirmed in this conclusion by your recent orders directing me to disobey orders from the Secretary of War, my superior and your subordinate, without having countermanded his authority to issue the orders I am to disobey.

With the assurance, Mr. President, that nothing less than a vindication of my personal honor and character could have induced this correspondence on my part,

I have the honor to be, very respectfully, your obedient servant,

U. S. GRANT, *General.*

Respectfully forwarded to the Secretary of War for his information, and to be made a part of correspondence previously furnished on same subject.

U. S. GRANT, *General.*

WASHINGTON, *February 17, 1868.*

To the House of Representatives of the United States:

In reply to the resolution adopted by the House of Representatives on the 19th of December last, calling for correspondence and information in relation to Russian America, I transmit reports and accompanying documents from the Secretary of State and the Secretary of the Treasury, respectively.

ANDREW JOHNSON.

WASHINGTON, *February 18, 1868.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 17th of January last, calling for information in regard to the execution of the treaty of 1858 with China, for the settlement of claims, I transmit a report of the Secretary of State and the papers which accompany it.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 19, 1868.*

To the House of Representatives:

I transmit herewith a report from the Attorney-General, prepared in compliance with the resolution of the House of Representatives of the 26th November, 1867, requesting a list of all pardons "granted since the 14th day of April, 1865, to any person or persons charged with or convicted of making or passing counterfeit money, or having counterfeit money or tools or instruments for making the same in his or their possession, or charged with or convicted of the crime of forgery or criminal alteration of papers, accounts, or other documents, or of the crime of perjury, and that such list be accompanied by a particular statement in each case of the reasons or grounds of the pardon, with a disclosure of the names of persons, if any, who recommended or advised the same."

ANDREW JOHNSON.

WASHINGTON, D. C., *February 19, 1868.*

To the Senate of the United States:

I transmit herewith a report from the Attorney-General, prepared in compliance with a resolution adopted by the Senate on the 2d day of December last, requesting "a full list of the names of all persons pardoned by the President since May 1, 1865, who have been convicted of counterfeiting United States bonds, greenbacks, national-bank currency, fractional currency, or the coin of the United States, with the date of issuing each pardon, reasons for issuing it, and by whom recommended."

ANDREW JOHNSON.

WASHINGTON, *February 20, 1868.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 18th of December last requesting information in regard to the island of San Juan, on Puget Sound, I transmit a report from the Secretary of State and the papers which accompanied it.

ANDREW JOHNSON.

WASHINGTON, *February 20, 1868.*

To the Senate of the United States:

With reference to the convention between Denmark and the United States concluded on the 24th of October last, I transmit to the Senate a copy in translation of a note of the 19th instant addressed to the Secretary of State by His Danish Majesty's chargé d'affaires, announcing the ratification of the convention by the Government of Denmark and stating his readiness to proceed with the customary exchange of ratifications.

ANDREW JOHNSON.

WASHINGTON, *February 21, 1868.*

To the House of Representatives of the United States:

I transmit herewith a communication from the Chief of the Engineer Corps of the Army, accompanied by a report, in reference to ship canals around the Falls of the Ohio River, called for by the resolution of the House of Representatives of the 18th instant.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 21, 1868.*

To the Senate of the United States:

On the 12th day of August, 1867, by virtue of the power and authority vested in the President by the Constitution and laws of the United States, I suspended Edwin M. Stanton from the office of Secretary of War.

In further exercise of the power and authority so vested in the President, I have this day removed Mr. Stanton from office and designated the Adjutant-General of the Army to act as Secretary of War *ad interim.*

Copies of the communications upon this subject addressed to Mr. Stanton and the Adjutant-General are herewith transmitted for the information of the Senate.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 22, 1868.*

To the Senate of the United States:

I have received a copy of the resolution adopted by the Senate on the 21st instant, as follows:

> Whereas the Senate have received and considered the communication of the President stating that he had removed Edwin M. Stanton, Secretary of War, and had designated the Adjutant-General of the Army to act as Secretary of War *ad interim:* Therefore,
>
> *Resolved by the Senate of the United States*, That under the Constitution and laws of the United States the President has no power to remove the Secretary of War and designate any other officer to perform the duties of that office *ad interim.*

This resolution is confined to the power of the President to remove the Secretary of War and to designate another officer to perform the duties of the office *ad interim*, and by its preamble is made expressly applicable to the removal of Mr. Stanton and the designation to act *ad interim* of the Adjutant-General of the Army. Without, therefore, attempting to discuss the general power of removal as to all officers, upon which subject no expression of opinion is contained in the resolution, I shall confine myself to the question as thus limited—the power to remove the Secretary of War.

It is declared in the resolution—

> That under the Constitution and laws of the United States the President has no power to remove the Secretary of War and designate any other officer to perform the duties of that office *ad interim.*

As to the question of power under the Constitution, I do not propose at present to enter upon its discussion.

The uniform practice from the beginning of the Government, as established by every President who has exercised the office, and the decisions of the Supreme Court of the United States have settled the question in favor of the power of the President to remove all officers excepting a class holding appointments of a judicial character. No practice nor any decision has ever excepted a Secretary of War from this general power of the President to make removals from office.

It is only necessary, then, that I should refer to the power of the Executive, under the laws of the United States, to remove from office a Secretary of War. The resolution denies that under these laws this power has any existence. In other words, it affirms that no such authority is recognized or given by the statutes of the country.

What, then, are the laws of the United States which deny the President the power to remove that officer? I know but two laws which bear upon this question. The first in order of time is the act of August 7, 1789, creating the Department of War, which, after providing for a Secretary as its principal officer, proceeds as follows:

> SEC. 2. *And be it further enacted*, That there shall be in the said Department an inferior officer, to be appointed by the said principal officer, to be employed therein

> as he shall deem proper, and to be called the chief clerk in the Department of War, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy have the charge and custody of all records, books, and papers appertaining to the said Department.

It is clear that this act, passed by a Congress many of whose members participated in the formation of the Constitution, so far from denying the power of the President to remove the Secretary of War, recognizes it as existing in the Executive alone, without the concurrence of the Senate or of any other department of the Government. Furthermore, this act does not purport to confer the power by legislative authority, nor in fact was there any other existing legislation through which it was bestowed upon the Executive. The recognition of the power by this act is therefore complete as a recognition under the Constitution itself for there was no other source or authority from which it could be derived.

The other act which refers to this question is that regulating the tenure of certain civil offices, passed by Congress on the 2d day of March, 1867. The first section of that act is in the following words:

> That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices, respectively, for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

The fourth section of the same act restricts the term of offices to the limit prescribed by the law creating them.

That part of the first section which precedes the proviso declares that every person holding a civil office to which he has been or may be appointed by and with the advice and consent of the Senate shall hold such office until a successor shall have been in like manner appointed. It purports to take from the Executive, during the fixed time established for the tenure of the office, the independent power of removal, and to require for such removal the concurrent action of the President and the Senate.

The proviso that follows proceeds to fix the term of office of the seven heads of Departments, whose tenure never had been defined before, by prescribing that they "shall hold their offices, respectively, for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate."

Thus, as to these enumerated officers, the proviso takes from the President the power of removal except with the advice and consent of the Senate. By its terms, however, before he can be deprived of the power to displace them it must appear that he himself has appointed them. It is only in that case that they have any tenure of office or any independent right to hold during the term of the President and for one month after the cessation of his official functions. The proviso, therefore, gives no tenure of office to any one of these officers who has been appointed by a former President beyond one month after the accession of his successor.

In the case of Mr. Stanton, the only appointment under which he held the office of Secretary of War was that conferred upon him by my immediate predecessor, with the advice and consent of the Senate. He has never held from me any appointment as the head of the War Department. Whatever right he had to hold the office was derived from that original appointment and my own sufferance. The law was not intended to protect such an incumbent of the War Department by taking from the President the power to remove him. This, in my judgment, is perfectly clear, and the law itself admits of no other just construction. We find in all that portion of the first section which precedes the proviso that as to civil officers generally the President is deprived of the power of removal, and it is plain that if there had been no proviso that power would just as clearly have been taken from him so far as it applies to the seven heads of Departments. But for reasons which were no doubt satisfactory to Congress these principal officers were specially provided for, and as to them the express and only requirement is that the President who has appointed them shall not without the advice and consent of the Senate remove them from office. The consequence is that as to my Cabinet, embracing the seven officers designated in the first section, the act takes from me the power, without the concurrence of the Senate, to remove any one of them that I have appointed, but it does not protect such of them as I did not appoint, nor give to them any tenure of office beyond my pleasure.

An examination of this act, then, shows that while in one part of the section provision is made for officers generally, in another clause there is a class of officers, designated by their official titles, who are excepted from the general terms of the law, and in reference to whom a clear distinction is made as to the general power of removal limited in the first clause of the section.

This distinction is that as to such of these enumerated officers as hold under the appointment of the President the power of removal can only be exercised by him with the consent of the Senate, while as to those who have not been appointed by him there is no like denial of his power to displace them. It would be a violation of the plain meaning of this enactment to place Mr. Stanton upon the same footing as those heads of Departments who have been appointed by myself. As to him, this law gives him no tenure of office. The members of my Cabinet who have been appointed by me are by this act entitled to hold for one month after the term of my office shall cease; but Mr. Stanton could not, against the wishes of my successor, hold a moment thereafter. If he were permitted by that successor to hold for the first two weeks, would that successor have no power to remove him? But the power of my successor over him could be no greater than my own. If my successor would have the power to remove Mr. Stanton after permitting him to remain a period of two weeks, because he was not appointed by him, but by his predecessor, I, who have tolerated Mr. Stanton for more than two years, certainly have the same right to remove him, and upon the same ground, namely, that he was not appointed by me, but by my predecessor.

Under this construction of the tenure-of-office act, I have never doubted my power to remove Mr. Stanton.

Whether the act were constitutional or not, it was always my opinion that it did not secure him from removal. I was, however, aware that there were doubts as to the construction of the law, and from the first I deemed it desirable that at the earliest possible moment those doubts should be settled and the true construction of the act fixed by decision of the Supreme Court of the United States. My order of suspension in August last was intended to place the case in such a position as would make a resort to a judicial decision both necessary and proper. My understanding and wishes, however, under that order of suspension were frustrated, and the late order for Mr. Stanton's removal was a further step toward the accomplishment of that purpose.

I repeat that my own convictions as to the true construction of the law and as to its constitutionality were well settled and were sustained by every member of my Cabinet, including Mr. Stanton himself. Upon the question of constitutionality, each one in turn deliberately advised me that the tenure-of-office act was unconstitutional. Upon the question whether, as to those members who were appointed by my predecessor, that act took from me the power to remove them, one of those members emphatically stated in the presence of the others sitting in Cabinet that they did not come within the provisions of the act, and it was no protection to them. No one dissented from this construction, and I understood them all to acquiesce in its correctness. In a matter of such grave consequence I was not disposed to rest upon my own opinions, though fortified by my constitutional advisers. I have therefore sought to bring the question at as early a day as possible before the Supreme Court of the United States for final and authoritative decision.

In respect to so much of the resolution as relates to the designation of an officer to act as Secretary of War *ad interim*, I have only to say that I have exercised this power under the provisions of the first section of the act of February 13, 1795, which, so far as they are applicable to vacancies caused by removals, I understand to be still in force.

The legislation upon the subject of *ad interim* appointments in the Executive Departments stands, as to the War Office, as follows:

The second section of the act of the 7th of August, 1789, makes provision for a vacancy in the very case of a removal of the head of the War

Department, and upon such a vacancy gives the charge and custody of the records, books, and papers to the chief clerk. Next, by the act of the 8th of May, 1792, section 8, it is provided that in case of a vacancy occasioned by death, absence from the seat of Government, or sickness of the head of the War Department the President may authorize a person to perform the duties of the office until a successor is appointed or the disability removed. The act, it will be observed, does not provide for the case of a vacancy caused by removal. Then, by the first section of the act of February 13, 1795, it is provided that in case of any vacancy the President may appoint a person to perform the duties while the vacancy exists.

These acts are followed by that of the 20th of February, 1863, by the first section of which provision is again made for a vacancy caused by death, resignation, absence from the seat of Government, or sickness of the head of any Executive Department of the Government, and upon the occurrence of such a vacancy power is given to the President—

> to authorize the head of any other Executive Department, or other officer in either of said Departments whose appointment is vested in the President, at his discretion, to perform the duties of the said respective offices until a successor be appointed or until such absence or inability by sickness shall cease: *Provided*, That no one vacancy shall be supplied in manner aforesaid for a longer term than six months.

This law, with some modifications, reenacts the act of 1792, and provides, as did that act, for the sort of vacancies so to be filled; but, like the act of 1792, it makes no provision for a vacancy occasioned by removal. It has reference altogether to vacancies arising from other causes.

According to my construction of the act of 1863, while it impliedly repeals the act of 1792 regulating the vacancies therein described, it has no bearing whatever upon so much of the act of 1795 as applies to a vacancy caused by removal. The act of 1795 therefore furnishes the rule for a vacancy occasioned by removal—one of the vacancies expressly referred to in the act of the 7th of August, 1789, creating the Department of War. Certainly there is no express repeal by the act of 1863 of the act of 1795. The repeal, if there is any, is by implication, and can only be admitted so far as there is a clear inconsistency between the two acts. The act of 1795 is inconsistent with that of 1863 as to a vacancy occasioned by death, resignation, absence, or sickness, but not at all inconsistent as to a vacancy caused by removal.

It is assuredly proper that the President should have the same power to fill temporarily a vacancy occasioned by removal as he has to supply a place made vacant by death or the expiration of a term. If, for instance, the incumbent of an office should be found to be wholly unfit to exercise its functions, and the public service should require his immediate expulsion, a remedy should exist and be at once applied, and time be allowed the President to select and appoint a successor, as is permitted him in case of a vacancy caused by death or the termination of an official term.

The necessity, therefore, for an *ad interim* appointment is just as great, and, indeed, may be greater in cases of removal than in any others. Before it be held, therefore, that the power given by the act of 1795 in cases of removal is abrogated by succeeding legislation an express repeal ought to appear. So wholesome a power should certainly not be taken away by loose implication.

It may be, however, that in this, as in other cases of implied repeal, doubts may arise. It is confessedly one of the most subtle and debatable questions which arise in the construction of statutes. If upon such a question I have fallen into an erroneous construction, I submit whether it should be characterized as a violation of official duty and of law.

I have deemed it proper, in vindication of the course which I have considered it my duty to take, to place before the Senate the reasons upon which I have based my action. Although I have been advised by every member of my Cabinet that the entire tenure-of-office act is unconstitutional, and therefore void, and although I have expressly concurred in that opinion in the veto message which I had the honor to submit to Congress when I returned the bill for reconsideration, I have refrained from making a removal of any officer contrary to the provisions of the law, and have only exercised that power in the case of Mr. Stanton, which, in my judgment, did not come within its provisions. I have endeavored to proceed with the greatest circumspection, and have acted only in an extreme and exceptional case, carefully following the course which I have marked out for myself as a general rule, faithfully to execute all laws, though passed over my objections on the score of constitutionality. In the present instance I have appealed, or sought to appeal, to that final arbiter fixed by the Constitution for the determination of all such questions. To this course I have been impelled by the solemn obligations which rest upon me to sustain inviolate the powers of the high office committed to my hands.

Whatever may be the consequences merely personal to myself, I could not allow them to prevail against a public duty so clear to my own mind, and so imperative. If what was possible had been certain, if I had been fully advised when I removed Mr. Stanton that in thus defending the trust committed to my hands my own removal was sure to follow, I could not have hesitated. Actuated by public considerations of the highest character, I earnestly protest against the resolution of the Senate which charges me in what I have done with a violation of the Constitution and laws of the United States.

ANDREW JOHNSON.

WASHINGTON, *February 25, 1868.*

To the Senate of the United States:

In further answer of the resolution of the Senate of the 13th of January last, relative to the appointment of the Hon. Anson Burlingame to a diplomatic or other mission by the Emperor of China, I transmit a report from the Secretary of State and the communication which accompanied it.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 26, 1868.*

To the Senate of the United States:

I transmit herewith a report from the General Commanding the Army of the United States, prepared in compliance with the resolution of the Senate of the 4th instant, requesting copies of all instructions relating to the Third Military District issued to General Pope and General Meade.

ANDREW JOHNSON.

WASHINGTON, *March 4, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 17th February ultimo, concerning the alleged interference of the United States consul at Rome in the late difficulty in Italy, I transmit a report from the Secretary of State, containing the information called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1868.*

To the Senate of the United States:

I transmit a report of this date from the Secretary of State, and the accompanying papers, in regard to the revolution in the Dominican Republic.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st of February last, in relation to the abduction of one Allan Macdonald from Canada, I transmit a communication from the Secretary of State, accompanied by the papers relating to that subject.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1868.*

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 7th of January last, in relation to the claim of the late Benjamin W. Perkins against the Russian Government, I transmit a communication from the Secretary of State, which is accompanied by the papers called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, *March 6, 1868.*

To the Senate of the United States:

I transmit to the Senate the accompanying report* of the Secretary of State, in answer to their resolution of the 13th January.

ANDREW JOHNSON.

WASHINGTON, *March 10, 1868.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a treaty between the United States and His Majesty the King of Prussia, in the name of the North German Confederation, for the purpose of regulating the citizenship of those persons who emigrate from the Confederation to this country and from the United States to the North German Confederation.

ANDREW JOHNSON.

WASHINGTON, *March 11, 1868.*

To the House of Representatives:

In further answer to the resolution of the House of Representatives of the 25th of November, 1867, calling for information in relation to the trial and conviction of American citizens in Great Britain and Ireland for the last two years, I transmit a continuation of the report from the Secretary of State upon the subject.

ANDREW JOHNSON.

WASHINGTON, *March 14, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 27th of January last, in relation to the arrest and trial of the Rev. John McMahon, Robert B. Lynch, and John Warren by the Government of Great Britain, and requesting to be informed what action has been taken by this Government in maintaining the rights of American citizens abroad, I transmit a report of the Secretary of State, which is accompanied by a copy of the papers called for by that resolution.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 18, 1868.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made on the 2d day of March, 1868, by and between Nathaniel G. Taylor, Commissioner of Indian Affairs; Alexander C. Hunt, governor and *ex officio* superintendent of Indian affairs of Colorado Territory, and Kit Carson, on the part of the United States, and the representatives of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians.

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*Relating to a claim, under the act of Congress of August 18, 1856, of citizens of the United States to guano on Alta Vela, an island in the vicinity of Santo Domingo.

A letter of the Secretary of the Interior of the 17th instant and the papers therein referred to are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *March 24, 1868.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention, signed on the 23d instant, for the surrender of criminals, between the United States and the Government of Italy.

ANDREW JOHNSON.

WASHINGTON, *March 24, 1868.*

To the House of Representatives:

I transmit herewith a report* and accompanying documents, in answer to a resolution of the House of Representatives of the 18th ultimo.

ANDREW JOHNSON.

WASHINGTON, *March 25, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to a resolution of the 9th instant, the accompanying report † from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *March 25, 1868.*

To the House of Representatives:

I transmit herewith a report and accompanying document,‡ in answer to a resolution of the House of Representatives of the 11th ultimo.

ANDREW JOHNSON.

WASHINGTON, *March 25, 1868.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 18th ultimo, relating to the report of Mr. Cowdin, I transmit a report of the Secretary of State and the document § to which it refers.

ANDREW JOHNSON.

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*Relating to unexpended appropriations for contingent expenses of foreign intercourse; amount remaining on deposit with Baring Brothers & Co. September 30, 1867, etc.

† Declining to transmit copies of correspondence, negotiations, and treaties with German States since January 1, 1868, relative to the rights of naturalized citizens.

‡ Statement of amounts paid for legal services by the Department of State during each year since 1860, with names of persons to whom paid.

§ Report of Elliot C. Cowdin, United States commissioner to the Paris Exposition of 1867, on silk and silk manufactures.

WASHINGTON, *April 2, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in further answer to their resolution of the 9th ultimo, the accompanying report* from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *April 2, 1868.*

To the House of Representatives:

In further reply to the resolution adopted by the House of Representatives on the 19th of December, 1867, calling for correspondence and information in relation to Russian America, I transmit a report from the Secretary of State and the papers which accompanied it.

ANDREW JOHNSON.

WASHINGTON, *April 3, 1868.*

To the House of Representatives:

I transmit a report from the Secretary of State and the papers accompanying it, in answer to a resolution of the House of Representatives of the 10th of February last, requesting information relative to the imprisonment and destruction of the property of Antonio Pelletier by the people and authorities of Hayti.

ANDREW JOHNSON.

WASHINGTON, *April 13, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 5th of February last, calling for the correspondence upon the subject of the murder by the inhabitants of the island of Formosa of the ship's company of the American bark *Rover*, I transmit a report from the Secretary of State and a report from the Secretary of the Navy, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *April 18, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 14th of April instant, calling for information relative to any application by any party for exclusive privileges in connection with hunting, trading, and the fisheries in Alaska, I transmit herewith the report of the Secretary of State on the subject, with its accompanying papers.

ANDREW JOHNSON.

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*Transmitting correspondence pertaining to the convention of February 22, 1868, with the North German Confederation, relative to naturalization.

WASHINGTON, D. C., *April 22, 1868.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 28th ultimo, requesting information as to the number and designations of military departments formed since the 1st day of August, 1867, and as to the statute or other authority under which they have been established, I transmit a report from the Adjutant-General's Office showing the organization since that date of the Department of Alaska and the Military Division of the Atlantic.

The orders issued by me upon this subject are in accordance with long-established usage and hitherto unquestioned authority. This will be readily seen from the accompanying report, which shows that, employing the authority vested by the Constitution in the President as Commander in Chief of the Army, it has been customary for my predecessors to create such military divisions and departments as from time to time they deemed advisable.

ANDREW JOHNSON.

WASHINGTON, *April 27, 1868.*

To the Senate and House of Representatives:

I submit a report of the Secretary of State, concerning the naturalization treaty recently negotiated between the United States and North Germany.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 5, 1868.*

To the Senate and House of Representatives:

I transmit to Congress the accompanying documents, which I deem it proper to state are all the papers* that have been submitted to the President relating to the proceedings to which they refer in the States of South Carolina and Arkansas.

ANDREW JOHNSON.

WASHINGTON, *May 6, 1868.*

To the Senate of the United States:

I transmit to the Senate, in further answer to their resolution of the 14th of April last, the accompanying report† from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 8, 1868.*

To the House of Representatives:

I transmit herewith reports from the Secretary of the Treasury and the Secretary of the Navy, prepared in compliance with a resolution of the House of Representatives of the 12th of December last, requesting information respecting the sale of public vessels since the close of the rebellion. No report upon the subject has yet been received from the Department of War.

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*Constitutions of South Carolina and Arkansas.

†Relating to application for exclusive privileges in connection with hunting, trading, and the fisheries in Alaska.

ANDREW JOHNSON.

WASHINGTON, *May 9, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 14th ultimo, a report from the Secretary of State, with accompanying papers.*

ANDREW JOHNSON.

WASHINGTON, *May 9, 1868.*

To the Senate of the United States:

I transmit herewith reports from the Secretary of the Treasury and the Attorney-General, prepared in compliance with the resolution of the Senate of the 17th December last, requesting information in reference to the seizure and confiscation of property. No report upon this subject has yet been received by me from the War Department.

ANDREW JOHNSON.

WASHINGTON, D. C.,
May 11, 1868.

To the Senate and House of Representatives:

I transmit to Congress the accompanying documents,† which embrace all the papers that have been submitted to me relating to the proceedings to which they refer in the States of North Carolina and Louisiana.

ANDREW JOHNSON.

WASHINGTON, *May 15, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 8th instant, a report‡ from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

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*Report of Freeman H. Morse, United States consul at London, on "The Foreign Maritime Commerce of the United States: Its Past, Present, and Future," etc.

†Constitutions of North Carolina and Louisiana.

‡Relating to the detention, at the request of the House of Representatives, of the ironclad monitors *Oneoto* and *Catawba*, purchased from the United States by Swift & Co., and supposed to be intended for the Government of Peru, then at war with a power friendly to the United States.

WASHINGTON, D. C., *May 18, 1868*.

To the Senate and House of Representatives:

I transmit to Congress the accompanying document,* which is the only paper which has been submitted to me relating to the proceedings to which it refers in the State of Georgia.

ANDREW JOHNSON.

WASHINGTON, *May 23, 1868*.

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, with accompaniments, in relation to recent events in the Empire of Japan.

ANDREW JOHNSON.

WASHINGTON, D. C., *May 27, 1868*.

To the Senate and House of Representatives:

I transmit to Congress the accompanying documents,† which are the only papers which have been submitted to me relating to the proceedings to which they refer in the State of Florida.

ANDREW JOHNSON.

WASHINGTON, *May 29, 1868*.

To the House of Representatives:

I transmit herewith a letter from the Secretary of the Navy, in reply to the resolution of the House of Representatives adopted on the 26th instant, making inquiries relative to a naval force at Hayti.

ANDREW JOHNSON.

WASHINGTON, *June 2, 1868*.

To the Senate of the United States:

I communicate, for the information of the Senate, in confidence, a report of the Secretary of State, accompanied by a copy of a dispatch recently received from the acting consul of the United States at San Jose, Costa Rica.

ANDREW JOHNSON.

WASHINGTON, *June 2, 1868*.

To the Senate of the United States:

I communicate, for the consideration of the Senate, a report from the Secretary of State, accompanied by a copy of a dispatch recently received from the acting United States consul in charge of the legation at San Jose, Costa Rica.

ANDREW JOHNSON.

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*Constitution of Georgia.

†Letter from the president of the constitutional convention of Florida, transmitting a copy of the constitution of that State.

WASHINGTON, *June 5, 1868.*

To the House of Representatives:

In further answer to the resolution of the House of Representatives of the 25th of November, 1867, calling for information in relation to the trial and conviction of American citizens in Great Britain and Ireland for the last two years, I transmit the accompanying report from the Secretary of State upon the subject.

ANDREW JOHNSON.

WASHINGTON, *June 8, 1868.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 28th ultimo, I transmit herewith a communication from the Postmaster-General, with a copy of the correspondence recently had with the authorities of Great Britain in relation to a new postal treaty.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 10, 1868.*

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 1st instant, I transmit herewith a report from the Secretary of the Interior, in reference to a treaty now being negotiated between the Great and Little Osage Indians and the special Indian commissioners acting on the part of the United States.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 13, 1868.*

To the Senate of the United States:

I herewith submit to the Senate, for its constitutional action thereon, a treaty concluded on the 27th ultimo between commissioners on the part of the United States and the Great and Little Osage tribe of Indians of Kansas, together with a communication from the Secretary of the Interior suggesting an amendment to the fourteenth article, and a copy of the report of the commissioners.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 15, 1868.*

To the House of Representatives:

I transmit herewith a report from the Secretary of the Interior, made in reply to the resolution adopted by the House of Representatives on the 13th instant.

The treaty recently concluded with the Great and Little Osage Indians, to which the accompanying report refers, was submitted to the Senate prior to the receipt of the resolution of the House upon the subject.

ANDREW JOHNSON.

WASHINGTON, *June 19, 1868.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to its ratification, a treaty between the United States and His Majesty the King of Bavaria, signed at Munich on the 26th ultimo, concerning the citizenship of persons emigrating from Bavaria to the United States and from the United States to the Kingdom of Bavaria. I transmit also a copy of the letter of the United States minister communicating the treaty, of the protocol which accompanied it, and a translation of the Bavarian military law referred to in the latter paper.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 20, 1868.*

To the Senate of the United States:

I herewith transmit to the Senate, for its constitutional action thereon, a treaty concluded at Fort Sumner, N. Mex., on the 1st instant, between Lieutenant-General W. T. Sherman and Colonel Samuel F. Tappan, on the part of the United States, and the chiefs and headmen of the Navajo Indians, on the part of the latter. I also transmit a communication upon the subject from the Secretary of the Interior, with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *June 22, 1868.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 28th ultimo, a report from the Secretary of State, with accompanying papers.*

ANDREW JOHNSON.

WASHINGTON, *June 23, 1868.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to a resolution of the House of Representatives of the 15th instant, upon the subject of Messrs. Warren and Costello, who have been convicted and sentenced to penal imprisonment in Great Britain.

ANDREW JOHNSON.

WASHINGTON, *June 23, 1868.*

To the Senate of the United States:

I transmit to the Senate a copy of a dispatch addressed to the Department of State by the consul of the United States at Bangkok, Siam, dated

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*Correspondence relative to the act of Congress of March 27, 1867, prohibiting persons in the diplomatic service of the United States from wearing any uniform or official costume not previously authorized by Congress.

December 31, 1867, with a view to its consideration and the ratification thereof, of the modification proposed by the royal counselors of the Kingdom of Siam in Article I of the general regulations which form a part of the treaty between the United States and that Kingdom concluded May 29, 1856, of which a printed copy is also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *June 29, 1868.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a dispatch from the United States consul at Elsinore, and of an instruction from the Secretary of State to the United States minister at Copenhagen, relative to an alleged practice of the Danish authorities to banish convicts to this country. The expediency of making it a penal offense to bring such persons to the United States is submitted to your consideration.

ANDREW JOHNSON.

WASHINGTON, *July 2, 1868.*

To the House of Representatives:

I transmit herewith a report from the Secretary of State of the 2d instant, together with accompanying papers.*

ANDREW JOHNSON.

WASHINGTON, D. C., *July 7, 1868.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded at Fort Laramie, Dakota Territory, on the 7th of May, 1868, between the United States and the chiefs and headmen of the Crow Indians of Montana, and a treaty concluded at Fort Laramie, Dakota Territory, on the 10th of May, 1868, between the United States and the chiefs and headmen of the Northern Cheyenne and Northern Arapahoe tribes of Indians.

A letter from the Secretary of the Interior suggesting amendments to said treaties, and the papers to which he refers in his communication, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 7, 1868.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty made and concluded at Ottawa, Kans., on the 1st day of June,

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* Petitions of merchants and shipowners of New York and Boston relative to the detention, at the request of the House of Representatives, of the ironclad monitors *Oneoto* and *Catawba*, purchased from the United States by Swift & Co., and supposed to be intended for the Government of Peru, then at war with a power friendly to the United States.

1868, between the United States and the Swan Creek and Black River Chippewas and the Munsee or Christian Indians of the State of Kansas.

Accompanying the treaty is a letter from the Secretary of the Interior, dated the 30th ultimo, together with the papers therein designated.

ANDREW JOHNSON.

WASHINGTON, *July 9, 1868*.

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, additional articles to the treaty between the United States and His Majesty the Emperor of China of the 18th June, 1858, signed in this city on the 4th instant by the plenipotentiaries of the parties.

ANDREW JOHNSON.

WASHINGTON, *July 10, 1868*.

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States and the Mexican Republic, signed in this city by the plenipotentiaries of the parties on the 4th instant, providing for an adjustment of claims of citizens of the United States on the Mexican Government and of Mexican citizens on the Government of the United States.

ANDREW JOHNSON.

WASHINGTON, *July 10, 1868*.

To the Senate of the United States:

Referring to my message to the Senate of the 23d of May last, I herewith transmit a further report from the Secretary of State, with an accompanying document, relative to late occurrences in Japan.

ANDREW JOHNSON.

WASHINGTON, *July 14, 1868*.

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of State, inclosing a list of the States of the Union whose legislatures have ratified the proposed fourteenth article of amendment to the Constitution of the United States, and also a copy of the resolutions of ratification, as called for in the Senate's resolution of the 9th instant, together with a copy of the respective resolutions of the legislatures of Ohio and New Jersey purporting to rescind the resolutions of ratification of said amendment which had previously been adopted by the legislatures of these two States, respectively, or to withdraw their consent to the same.

ANDREW JOHNSON.

WASHINGTON, *July 15, 1868.*

To the Senate and House of Representatives:

I hereby transmit to Congress a report, with the accompanying papers, received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

ANDREW JOHNSON.

WASHINGTON, *July 15, 1868.*

To the Congress of the United States:

I submit herewith a correspondence between the Secretary of State and Mr. Robert B. Van Valkenburgh, minister resident of the United States in Japan. It seems to show the importance of an amendment of the law of the United States prohibiting the cooly trade.

ANDREW JOHNSON.

WASHINGTON, *July 17, 1868.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 9th instant, a report from the Secretary of State, communicating a copy of a paper received by him to-day, purporting to be a resolution ratifying on the part of the State of Louisiana the proposed amendment to the Constitution of the United States known as Article XIV.

ANDREW JOHNSON.

WASHINGTON, *July 18, 1868.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 9th instant, a report from the Secretary of State, communicating a copy of a paper received by me on the 18th instant, purporting to be a resolution of the senate and house of representatives of the State of South Carolina, ratifying the proposed amendment to the Constitution of the United States known as Article XIV.

ANDREW JOHNSON.

WASHINGTON, D. C., *July 18, 1868.*

To the Senate and House of Representatives:

Experience has fully demonstrated the wisdom of the framers of the Federal Constitution. Under all circumstances the result of their labors was as near an approximation to perfection as was compatible with the fallibility of man. Such being the estimation in which the Constitution is and has ever been held by our countrymen, it is not surprising that any proposition for its alteration or amendment should be received with reluctance and distrust. While this sentiment deserves commendation and encouragement as a useful preventive of unnecessary attempt to change its provisions, it must be conceded that time has developed imperfections and omissions in the Constitution, the reformation of which has been demanded by the best interests of the country. Some of these have been remedied in the manner provided in the Constitution itself. There are others which, although heretofore brought to the attention of the people, have never been so presented as to enable the popular judgment to determine whether they should be corrected by means of additional amendments. My object in this communication is to suggest certain defects in the Constitution which seem to me to require correction, and to recommend that the judgment of the people be taken on the amendments proposed.

The first of the defects to which I desire to direct attention is in that clause of the Constitution which provides for the election of President and Vice-President through the intervention of electors, and not by an immediate vote of the people. The importance of so amending this clause as to secure to the people the election of President and Vice-President by their direct votes was urged with great earnestness and ability by President Jackson in his first annual message, and the recommendation was repeated in five of his subsequent communications to Congress, extending through the eight years of his Administration. In his message of 1829 he said:

> To the people belongs the right of electing their Chief Magistrate; it was never designed that their choice should in any case be defeated, either by the intervention of electoral colleges or by the agency confided, under certain contingencies, to the House of Representatives.

He then proceeded to state the objections to an election of President by the House of Representatives, the most important of which was that the choice of a clear majority of the people might be easily defeated. He then closed the argument with the following communication:

> I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of the President and Vice-President. The mode may be so regulated as to preserve to each State its present relative weight in the election, and a failure in the first attempt may be provided for by confining the second to a choice between the two highest candidates. In connection with such an amendment it would seem advisable to limit the service of the Chief Magistrate to a single term of either four or six years. If, however, it should not be adopted, it is worthy of consideration whether a provision disqualifying for office the Representatives in Congress on whom such an election may have devolved would not be proper.

Although this recommendation was repeated with undiminished earnestness in several of his succeeding messages, yet the proposed amendment was never adopted and submitted to the people by Congress. The danger of a defeat of the people's choice in an election by the House of

Representatives remains unprovided for in the Constitution, and would be greatly increased if the House of Representatives should assume the power arbitrarily to reject the votes of a State which might not be cast in conformity with the wishes of the majority in that body.

But if President Jackson failed to secure the amendment to the Constitution which he urged so persistently, his arguments contributed largely to the formation of party organizations, which have effectually avoided the contingency of an election by the House of Representatives. These organizations, first by a resort to the caucus system of nominating candidates, and afterwards to State and national conventions, have been successful in so limiting the number of candidates as to escape the danger of an election by the House of Representatives.

It is clear, however, that in thus limiting the number of candidates the true object and spirit of the Constitution have been evaded and defeated. It is an essential feature in our republican system of government that every citizen possessing the constitutional qualifications has a right to become a candidate for the office of President and Vice-President, and that every qualified elector has a right to cast his vote for any citizen whom he may regard as worthy of these offices. But under the party organizations which have prevailed for years these asserted rights of the people have been as effectually cut off and destroyed as if the Constitution itself had inhibited their exercise.

The danger of a defeat of the popular choice in an election by the House of Representatives is no greater than in an election made nominally by the people themselves, when by the laws of party organizations and by the constitutional provisions requiring the people to vote for electors instead of for the President or Vice-President it is made impracticable for any citizen to be a candidate except through the process of a party nomination, and for any voter to cast his suffrage for any other person than one thus brought forward through the manipulations of a nominating convention. It is thus apparent that by means of party organizations that provision of the Constitution which requires the election of President and Vice-President to be made through the electoral colleges has been made instrumental and potential in defeating the great object of conferring the choice of these officers upon the people. It may be conceded that party organizations are inseparable from republican government, and that when formed and managed in subordination to the Constitution they may be valuable safeguards of popular liberty; but when they are perverted to purposes of bad ambition they are liable to become the dangerous instruments of overthrowing the Constitution itself. Strongly impressed with the truth of these views, I feel called upon by an imperative sense of duty to revive substantially the recommendation so often and so earnestly made by President Jackson, and to urge that the amendment to the Constitution herewith presented, or some similar proposition, may be submitted to the people for their ratification or rejection.

Recent events have shown the necessity of an amendment to the Constitution distinctly defining the persons who shall discharge the duties of President of the United States in the event of a vacancy in that office by the death, resignation, or removal of both the President and Vice-President. It is clear that this should be fixed by the Constitution, and not be left to repealable enactments of doubtful constitutionality. It occurs to me that in the event of a vacancy in the office of President by the death, resignation, disability, or removal of both the President and Vice-President the duties of the office should devolve upon an officer of the executive department of the Government, rather than one connected with the legislative or judicial departments. The objections to designating either the President *pro tempore* of the Senate or the Chief Justice of the Supreme Court, especially in the event of a vacancy produced by removal, are so obvious and so unanswerable that they need not be stated in detail. It is enough to state that they are both interested in producing a vacancy, and, according to the provisions of the Constitution, are members of the tribunal by whose decree a vacancy may be produced.

Under such circumstances the impropriety of designating either of these officers to succeed the President so removed is palpable. The framers of the Constitution, when they referred to Congress the settlement of the succession to the office of President in the event of a vacancy in the offices of both President and Vice-President, did not, in my opinion, contemplate the designation of any other than an officer of the executive department, on whom, in such a contingency, the powers and duties of the President should devolve. Until recently the contingency has been remote, and serious attention has not been called to the manifest incongruity between the provisions of the Constitution on this subject and the act of Congress of 1792. Having, however, been brought almost face to face with this important question, it seems an eminently proper time for us to make the legislation conform to the language, intent, and theory of the Constitution, and thus place the executive department beyond the reach of usurpation, and remove from the legislative and judicial departments every temptation to combine for the absorption of all the powers of government.

It has occurred to me that in the event of such a vacancy the duties of President would devolve most appropriately upon some one of the heads of the several Executive Departments, and under this conviction I present for your consideration an amendment to the Constitution on this subject, with the recommendation that it be submitted to the people for their action.

Experience seems to have established the necessity of an amendment of that clause of the Constitution which provides for the election of Senators to Congress by the legislatures of the several States. It would be more consistent with the genius of our form of government if the Senators were chosen directly by the people of the several States. The objections to the election of Senators by the legislatures are so palpable that I deem it unnecessary to do more than submit the proposition for such an amendment, with the recommendation that it be opened to the people for their judgment.

It is strongly impressed on my mind that the tenure of office by the judiciary of the United States during good behavior for life is incompatible with the spirit of republican government, and in this opinion I am fully sustained by the evidence of popular judgment upon this subject in the different States of the Union.

I therefore deem it my duty to recommend an amendment to the Constitution by which the terms of the judicial officers would be limited to a period of years, and I herewith present it in the hope that Congress will submit it to the people for their decision.

The foregoing views have long been entertained by me. In 1845, in the House of Representatives, and afterwards, in 1860, in the Senate of the United States, I submitted substantially the same propositions as those to which the attention of Congress is herein invited. Time, observation, and experience have confirmed these convictions; and, as a matter of public duty and a deep sense of my constitutional obligation "to recommend to the consideration of Congress such measures as I deem necessary and expedient," I submit the accompanying propositions, and urge their adoption and submission to the judgment of the people.

ANDREW JOHNSON.

JOINT RESOLUTION proposing amendments to the Constitution of the United States.

Whereas the fifth article of the Constitution of the United States provides for amendments thereto in the manner following, viz:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided,* That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate:"

Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled (*two-thirds of both Houses concurring*), That the following amendments to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid to all intents and purposes as part of the Constitution:

"That hereafter the President and Vice-President of the United States shall be chosen for the term of six years, by the people of the respective States, in the manner following: Each State shall be divided by the legislature thereof in districts, equal in number to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States; the said districts to be composed of contiguous territory, and to contain, as nearly as may be, an equal number of persons entitled to be represented under the Constitution, and to be laid off for the first time immediately after the ratification of this amendment; that on the first Thursday in August in the year 18—, and on the same day every sixth year thereafter, the citizens of each State who possess the qualifications requisite for electors of the most numerous branch of the State legislatures shall meet within their respective districts and vote for a President and Vice-President of the United States; and the person receiving the greatest number of votes for President and the one receiving the greatest number of votes for Vice-President in each district shall be holden to have received one vote, which fact shall be immediately certified by the governor of the State to each of the Senators in Congress from such State and to the President of the Senate and the Speaker of the House of Representatives. The Congress of the United States shall be in session on the second Monday in October in the year 18—, and on the same day in every sixth year thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be President, if such number be equal to a majority of the whole number of votes given; but if no person have such majority, then a second election shall be held on the first Thursday in the month of December then next ensuing between the persons having the two highest numbers for the office of President, which second election shall be conducted, the result certified, and the votes counted in the same manner as in the first, and the person having the greatest number of votes for President shall be President. But if two or more persons shall have received the greatest and an equal number of votes at the second election, then the person who shall have received the greatest number of votes in the greatest number of States shall be President. The person having the greatest number of votes for Vice-President at the first election shall be Vice-President, if such number be equal to a majority of the whole number of votes given; and if no person have such majority, then a second election shall take place between the persons having the two highest numbers on the same day that the second election is held for President, and the person having the highest number of the votes for Vice-President shall be Vice-President. But if there should happen to be an equality of votes between the persons so voted for at the second election, then the person having the greatest number of votes in the greatest number of States shall be Vice-President. But when a second election shall be necessary in the case of Vice-President and not necessary in the case of President, then the Senate shall choose a Vice-President from the persons having the two highest numbers in the first election, as now prescribed in the Constitution: *Provided*, That after the ratification of this amendment to the Constitution the President and Vice-President shall hold their offices, respectively, for the term of six years, and that no President or Vice-President shall be eligible for reelection to a second term."

SEC. 2. *And be it further resolved*, That Article II, section 1, paragraph 6, of the Constitution of the United States shall be amended so as to read as follows:

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice-President; and in the case of the removal, death, resignation, or inability both of the President and Vice-President, the powers and duties of said office shall devolve on the Secretary of State for the time being, and after this officer, in case of vacancy in that or other Department, and in the order in which they are named, on the Secretary of the Treasury, on the Secretary of War, on the Secretary of the Navy, on the Secretary of the Interior, on the Postmaster-General, and on the Attorney-General; and such officer, on whom the powers and duties of President shall devolve in accordance with the foregoing provisions, shall then act as President until the disability shall be removed or a President shall be elected, as is or may be provided for by law."

SEC. 3. *And be it further resolved*, That Article I, section 3, be amended by striking out the word "legislature," and inserting in lieu thereof the following words, viz: "Persons qualified to vote for members of the most numerous branch of the legislature," so as to make the third section of said article, when ratified by three-fourths of the States, read as follows, to wit:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the persons qualified to vote for the members of the most numerous branch of the legislature thereof, for six years, and each Senator shall have one vote."

SEC. 4. *And be it further resolved*, That Article III, section 1, be amended by striking out the words "good behavior," and inserting the following words, viz: "the term of twelve years." And further, that said article and section be amended by adding the following thereto, viz: "And it shall be the duty of the President of the United States, within twelve months after the ratification of this amendment by three-fourths of all the States, as provided by the Constitution of the United States, to divide the whole number of judges, as near as may be practicable, into three classes. The seats of the judges of the first class shall be vacated at the expiration of the fourth year from such classification, of the second class at the expiration of the eighth year, and of the third class at the expiration of the twelfth year, so that one-third may be chosen every fourth year thereafter."

The article as amended will read as follows:

ARTICLE III.

SEC. 1. The judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress from time to time may ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during the term of twelve years, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office; and it shall be the duty of the President of the United States, within twelve months after the ratification of this amendment by three-fourths of all the States, as provided by the Constitution of the United States, to divide the whole number of judges, as near as may be practicable, into three classes. The seats of the judges of the first class shall be vacated at the expiration of the fourth year from such classification; of the second class, at the expiration of the eighth year; and of the third class, at the expiration of the twelfth year, so that one-third may be chosen every fourth year thereafter.

WASHINGTON, D. C., *July 18, 1868.*

To the House of Representatives:

In compliance with the resolution adopted by the House of Representatives on the 13th instant, requesting "copies of all instructions, records, and correspondence connected with the commission authorized to negotiate the late treaty with the Great and Little Osage Indians, and copies of all propositions made to said commission from railroad corporations or by individuals," I transmit the accompanying communications from the Secretary of the Interior, together with the papers to which they have reference.

ANDREW JOHNSON.

WASHINGTON, *July 20, 1868.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 9th instant, a report from the Secretary of State, communicating a copy of a paper received by me this day, purporting to be a resolution of the senate and house of representatives of the State of Alabama ratifying the proposed amendment to the Constitution of the United States known as Article XIV.

ANDREW JOHNSON.

WASHINGTON, *July 24, 1868.*

To the Senate of the United States:

I transmit herewith a letter from the Secretary of the Navy, inclosing a report of a board of naval officers appointed in pursuance of an act of Congress approved May 19, 1868, to select suitable locations for powder magazines.

ANDREW JOHNSON.

WASHINGTON, *July 27, 1868.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 24th instant, the accompanying report* from the Secretary of State.

ANDREW JOHNSON.

VETO MESSAGES.

WASHINGTON, D. C., *March 25, 1868.*

To the Senate of the United States:

I have considered, with such care as the pressure of other duties has permitted, a bill entitled "An act to amend an act entitled 'An act to amend the judiciary act, passed the 24th of September, 1789.'" Not being able to approve all of its provisions, I herewith return it to the Senate, in which House it originated, with a brief statement of my objections.

The first section of the bill meets my approbation, as, for the purpose of protecting the rights of property from the erroneous decision of inferior judicial tribunals, it provides means for obtaining uniformity, by appeal to the Supreme Court of the United States, in cases which have now become very numerous and of much public interest, and in which such remedy is not now allowed. The second section, however, takes away the right of appeal to that court in cases which involve the life and liberty of the citizen, and leaves them exposed to the judgment of numerous inferior tribunals. It is apparent that the two sections were conceived in a very different spirit, and I regret that my objections to one impose upon me the necessity of withholding my sanction from the other.

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*Relating to absence from his post of the consul at Panama.

I can not give my assent to a measure which proposes to deprive any person "restrained of his or her liberty in violation of the Constitution or of any treaty or law of the United States" from the right of appeal to the highest judicial authority known to our Government. To "secure the blessings of liberty to ourselves and our posterity" is one of the declared objects of the Federal Constitution. To assure these, guaranties are provided in the same instrument, as well against "unreasonable searches and seizures" as against the suspensions of "the privilege of the writ of *habeas corpus*, * * * unless when, in cases of rebellion or invasion, the public safety may require it." It was doubtless to afford the people the means of protecting and enforcing these inestimable privileges that the jurisdiction which this bill proposes to take away was conferred upon the Supreme Court of the nation. The act conferring that jurisdiction was approved on the 5th day of February, 1867, with a full knowledge of the motives that prompted its passage, and because it was believed to be necessary and right. Nothing has since occurred to disprove the wisdom and justness of the measures, and to modify it as now proposed would be to lessen the protection of the citizen from the exercise of arbitrary power and to weaken the safeguards of life and liberty, which can never be made too secure against illegal encroachments.

The bill not only prohibits the adjudication by the Supreme Court of cases in which appeals may hereafter be taken, but interdicts its jurisdiction on appeals which have already been made to that high judicial body. If, therefore, it should become a law, it will by its retroactive operation wrest from the citizen a remedy which he enjoyed at the time of his appeal. It will thus operate most harshly upon those who believe that justice has been denied them in the inferior courts.

The legislation proposed in the second section, it seems to me, is not in harmony with the spirit and intention of the Constitution. It can not fail to affect most injuriously the just equipoise of our system of Government, for it establishes a precedent which, if followed, may eventually sweep away every check on arbitrary and unconstitutional legislation. Thus far during the existence of the Government the Supreme Court of the United States has been viewed by the people as the true expounder of their Constitution, and in the most violent party conflicts its judgments and decrees have always been sought and deferred to with confidence and respect. In public estimation it combines judicial wisdom and impartiality in a greater degree than any other authority known to the Constitution, and any act which may be construed into or mistaken for an attempt to prevent or evade its decision on a question which affects the liberty of the citizens and agitates the country can not fail to be attended with unpropitious consequences. It will be justly held by a large portion of the people as an admission of the unconstitutionality of the act on which its judgment may be forbidden or forestalled, and may interfere with that willing acquiescence in its provisions which is necessary for the harmonious and efficient execution of any law.

For these reasons, thus briefly and imperfectly stated, and for others, of which want of time forbids the enumeration, I deem it my duty to withhold my assent from this bill, and to return it for the reconsideration of Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 20, 1868.*

To the House of Representatives:

I return without my signature a bill entitled "An act to admit the State of Arkansas to representation in Congress."

The approval of this bill would be an admission on the part of the Executive that the "Act for the more efficient government of the rebel States," passed March 2, 1867, and the acts supplementary thereto were proper and constitutional. My opinion, however, in reference to those measures has undergone no change, but, on the contrary, has been strengthened by the results which have attended their execution. Even were this not the case, I could not consent to a bill which is based upon the assumption either that by an act of rebellion of a portion of its people the State of Arkansas seceded from the Union, or that Congress may at its pleasure expel or exclude a State from the Union, or interrupt its relations with the Government by arbitrarily depriving it of representation in the Senate and House of Representatives. If Arkansas is a State not in the Union, this bill does not admit it as a State into the Union. If, on the other hand, Arkansas is a State in the Union, no legislation is necessary to declare it entitled "to representation in Congress as one of the States of the Union." The Constitution already declares that "each State shall have at least one Representative;" that the Senate "shall be composed of two Senators from each State," and "that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

That instrument also makes each House "the judge of the elections, returns, and qualifications of its own members," and therefore all that is now necessary to restore Arkansas in all its constitutional relations to the Government is a decision by each House upon the eligibility of those who, presenting their credentials, claim seats in the respective Houses of Congress. This is the plain and simple plan of the Constitution; and believing that had it been pursued when Congress assembled in the month of December, 1865, the restoration of the States would long since have been completed, I once again earnestly recommend that it be adopted by each House in preference to legislation, which I respectfully submit is not only of at least doubtful constitutionality, and therefore unwise and dangerous as a precedent, but is unnecessary, not so effective in its operation as the mode prescribed by the Constitution, involves additional delay, and from its terms may be taken rather as applicable to a Territory about to be admitted as one of the United States than to a State which has occupied a place in the Union for upward of a quarter of a century.

The bill declares the State of Arkansas entitled and admitted to representation in Congress as one of the States of the Union upon the following fundamental condition:

> That the constitution of Arkansas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State. *Provided*, That any alteration of said constitution, prospective in its effect, may be made in regard to the time and place of residence of voters.

I have been unable to find in the Constitution of the United States any warrant for the exercise of the authority thus claimed by Congress. In assuming the power to impose a "fundamental condition" upon a State which has been duly "admitted into the Union upon an equal footing with the original States in all respects whatever," Congress asserts a right to enter a State as it may a Territory, and to regulate the highest prerogative of a free people—the elective franchise. This question is reserved by the Constitution to the States themselves, and to concede to Congress the power to regulate the subject would be to reverse the fundamental principle of the Republic and to place in the hands of the Federal Government, which is the creature of the States, the sovereignty which justly belongs to the States or the people—the true source of all political power, by whom our Federal system was created and to whose will it is subordinate.

The bill fails to provide in what manner the State of Arkansas is to signify its acceptance of the "fundamental condition" which Congress endeavors to make unalterable and irrevocable. Nor does it prescribe the penalty to be imposed should the people of the State amend or change the particular portions of the constitution which it is one of the purposes of the bill to perpetuate, but as to the consequences of such action leaves them in uncertainty and doubt. When the circumstances under which this constitution has been brought to the attention of Congress are considered, it is not unreasonable to suppose that efforts will be made to modify its provisions, and especially those in respect to which this measure prohibits any alteration. It is seriously questioned whether the constitution has been ratified by a majority of the persons who, under the act of March 2, 1867, and the acts supplementary thereto, were entitled to registration and to vote upon that issue. Section 10 of the schedule provides that—

> No person disqualified from voting or registering under this constitution shall vote for candidates for any office, nor shall be permitted to vote for the ratification or rejection of the constitution at the polls herein authorized.

Assumed to be in force before its adoption, in disregard of the law of Congress, the constitution undertakes to impose upon the elector other and further conditions. The fifth section of the eighth article provides that "all persons, before registering or voting," must take and subscribe an oath which, among others, contains the following clause:

> That I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color, or previous condition, of any political or civil right, privilege, or immunity enjoyed by any other class of men.

It is well known that a very large portion of the electors in all the States, if not a large majority of all of them, do not believe in or accept the political equality of Indians, Mongolians, or negroes with the race to which they belong. If the voters in many of the States of the North and West were required to take such an oath as a test of their qualification, there is reason to believe that a majority of them would remain from the polls rather than comply with its degrading conditions. How far and to what extent this test oath prevented the registration of those who were qualified under the laws of Congress it is not possible to know, but that such was its effect, at least sufficient to overcome the small and doubtful majority in favor of this constitution, there can be no reasonable doubt. Should the people of Arkansas, therefore, desiring to regulate the elective franchise so as to make it conform to the constitutions of a large proportion of the States of the North and West, modify the provisions referred to in the "fundamental condition," what is to be the consequence? Is it intended that a denial of representation shall follow? And if so, may we not dread, at some future day, a recurrence of the troubles which have so long agitated the country? Would it not be the part of wisdom to take for our guide the Federal Constitution, rather than resort to measures which, looking only to the present, may in a few years renew, in an aggravated form, the strife and bitterness caused by legislation which has proved to be so ill timed and unfortunate?

ANDREW JOHNSON

WASHINGTON, D. C.,
June 25, 1868.

To the House of Representatives:

In returning to the House of Representatives, in which it originated, a bill entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," I do not deem it necessary to state at length the reasons which constrain me to withhold my approval. I will not, therefore, undertake at this time to reopen the discussion upon the grave constitutional questions involved in the act of March 2, 1867, and the acts supplementary thereto, in pursuance of which it is claimed, in the preamble to this bill, these States have framed and adopted constitutions of State government

Nor will I repeat the objections contained in my message of the 20th instant, returning without my signature the bill to admit to representation the State of Arkansas, and which are equally applicable to the pending measure.

Like the act recently passed in reference to Arkansas, this bill supersedes the plain and simple mode prescribed by the Constitution for the admission to seats in the respective Houses of Senators and Representatives from the several States. It assumes authority over six States of the Union which has never been delegated to Congress, or is even warranted by previous unconstitutional legislation upon the subject of restoration. It imposes conditions which are in derogation of the equal rights of the States, and is founded upon a theory which is subversive of the fundamental principles of the Government. In the case of Alabama it violates the plighted faith of Congress by forcing upon that State a constitution which was rejected by the people, according to the express terms of an act of Congress requiring that a majority of the registered electors should vote upon the question of its ratification.

For these objections, and many others that might be presented, I can not approve this bill, and therefore return it for the action of Congress required in such cases by the Federal Constitution.

ANDREW JOHNSON.

WASHINGTON, D. C.,
July 20, 1868.

To the Senate of the United States:

I have given to the joint resolution entitled "A resolution excluding from the electoral college the votes of States lately in rebellion which shall not have been reorganized" as careful examination as I have been able to bestow upon the subject during the few days that have intervened since the measure was submitted for my approval.

Feeling constrained to withhold my consent, I herewith return the resolution to the Senate, in which House it originated, with a brief statement of the reasons which have induced my action. This joint resolution is based upon the assumption that some of the States whose inhabitants were lately in rebellion are not now entitled to representation in Congress and participation in the election of President and Vice-President of the United States.

Having heretofore had occasion to give in detail my reasons for dissenting from this view, it is not necessary at this time to repeat them. It is sufficient to state that I continue strong in my conviction that the acts of secession, by which a number of the States sought to dissolve their connection with the other States and to subvert the Union, being unauthorized by the Constitution and in direct violation thereof, were from the beginning absolutely null and void. It follows necessarily that when the rebellion terminated the several States which had attempted to secede continued to be States in the Union, and all that was required to enable them to resume their relations to the Union was that they should adopt the measures necessary to their practical restoration as States. Such measures were adopted, and the legitimate result was that those States, having conformed to all the requirements of the Constitution, resumed their former relations, and became entitled to the exercise of all the rights guaranteed to them by its provisions.

The joint resolution under consideration, however, seems to assume that by the insurrectionary acts of their respective inhabitants those States forfeited their rights as such, and can never again exercise them except upon readmission into the Union on the terms prescribed by Congress. If this position be correct, it follows that they were taken out of the Union by virtue of their acts of secession, and hence that the war waged upon them was illegal and unconstitutional. We would thus be placed in this inconsistent attitude, that while the war was commenced and carried on upon the distinct ground that the Southern States, being component parts of the Union, were in rebellion against the lawful authority of the United States, upon its termination we resort to a policy of reconstruction which assumes that it was not in fact a rebellion, but that the war was waged for the conquest of territories assumed to be outside of the constitutional Union.

The mode and manner of receiving and counting the electoral votes for President and Vice-President of the United States are in plain and simple terms prescribed by the Constitution. That instrument imperatively requires that "the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." Congress has, therefore, no power, under the Constitution, to receive the electoral votes or reject them. The whole power is exhausted when, in the presence of the two Houses, the votes are counted and the result declared. In this respect the power and duty of the President of the Senate are, under the Constitution, purely ministerial. When, therefore, the joint resolution declares that no electoral votes shall be received or counted from States that since the 4th of March, 1867, have not "adopted a constitution of State government under which a State government shall have organized," a power is assumed which is nowhere delegated to Congress, unless upon the assumption that the State governments organized prior to the 4th of March, 1867, were illegal and void.

The joint resolution, by implication at least, concedes that these States were States by virtue of their organization prior to the 4th of March, 1867, but denies to them the right to vote in the election of President and Vice-President of the United States. It follows either that this assumption of power is wholly unauthorized by the Constitution or that the States so excluded from voting were out of the Union by reason of the rebellion, and have never been legitimately restored. Being fully satisfied that they were never out of the Union, and that their relations thereto have been legally and constitutionally restored, I am forced to the conclusion that the joint resolution, which deprives them of the right to have their votes for President and Vice-President received and counted, is in conflict with the Constitution, and that Congress has no more power to reject their votes than those of the States which have been uniformly loyal to the Federal Union.

It is worthy of remark that if the States whose inhabitants were recently in rebellion were legally and constitutionally organized and restored to their rights prior to the 4th of March, 1867, as I am satisfied they were, the only legitimate authority under which the election for President and Vice-President can be held therein must be derived from the governments instituted before that period. It clearly follows that all the State governments organized in those States under act of Congress for that purpose, and under military control, are illegitimate and of no validity whatever; and in that view the votes cast in those States for President and Vice-President, in pursuance of acts passed since the 4th of March, 1867, and in obedience to the so-called reconstruction acts of Congress, can not be legally received and counted, while the only votes in those States that can be legally cast and counted will be those cast in pursuance of the laws in force in the several States prior to the legislation by Congress upon the subject of reconstruction.

I can not refrain from directing your special attention to the declaration contained in the joint resolution, that "none of the States whose inhabitants were lately in rebellion shall be entitled to representation in the electoral college," etc. If it is meant by this declaration that no State is to be allowed to vote for President and Vice-President *all* of whose inhabitants were engaged in the late rebellion, it is apparent that no one of the States will be excluded from voting, since it is well known that in every Southern State there were many inhabitants who not only did not participate in the rebellion, but who actually took part in the suppression, or refrained from giving it any aid or countenance. I therefore conclude that the true meaning of the joint resolution is that no State a *portion* of whose inhabitants were engaged in the rebellion shall be permitted to participate in the Presidential election, except upon the terms and conditions therein prescribed.

Assuming this to be the true construction of the resolution, the inquiry becomes pertinent, May those Northern States a portion of whose inhabitants were actually in the rebellion be prevented, at the discretion of Congress, from having their electoral votes counted? It is well known that a portion of the inhabitants of New York and a portion of the inhabitants of Virginia were alike engaged in the rebellion; yet it is equally well known that Virginia, as well as New York, was at all times during the war recognized by the Federal Government as a State in the Union—so clearly that upon the termination of hostilities it was not even deemed necessary for her restoration that a provisional governor should be appointed; yet, according to this joint resolution, the people of Virginia, unless they comply with the terms it prescribes, are denied the right of voting for President, while the people of New York, a portion of the inhabitants of which State were also in rebellion, are permitted to have their electoral votes counted without undergoing the process of reconstruction prescribed for Virginia. New York is no more a State than Virginia; the one is as much entitled to representation in the electoral college as the other. If Congress has the power to deprive Virginia of this right, it can exercise the same authority with respect to New York or any other of the States. Thus the result of the Presidential election may be controlled and determined by Congress, and the people be deprived of their right under the Constitution to choose a President and Vice-President of the United States.

If Congress were to provide by law that the votes of none of the States should be received and counted if cast for a candidate who differed in political sentiment with a majority of the two Houses, such legislation would at once be condemned by the country as an unconstitutional and revolutionary usurpation of power. It would, however, be exceedingly difficult to find in the Constitution any more authority for the passage of the joint resolution under consideration than for an enactment looking directly to the rejection of all votes not in accordance with the political preferences of a majority of Congress. No power exists in the Constitution authorizing the joint resolution or the supposed law—the only difference being that one would be more palpably unconstitutional and revolutionary than the other. Both would rest upon the radical error that Congress has the power to prescribe terms and conditions to the right of the people of the States to cast their votes for President and Vice-President.

For the reasons thus indicated I am constrained to return the joint resolution to the Senate for such further action thereon as Congress may deem necessary.

ANDREW JOHNSON.

WASHINGTON, *July 25, 1868*

To the Senate of the United States:

Believing that a bill entitled "An act relating to the Freedmen's Bureau, and providing for its discontinuance," interferes with the appointing power conferred by the Constitution upon the Executive, and for other reasons, which at this late period of the session time will not permit me to state, I herewith return it to the Senate, in which House it originated, without my approval.

ANDREW JOHNSON

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in the month of July, A. D. 1861, in accepting the condition of civil war which was brought about by insurrection and rebellion in several of the States which constitute the United States, the two Houses of Congress did solemnly declare that that war was not waged on the part of the Government in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for any purpose of overthrowing or interfering with the rights or established institutions of the States, but only to defend and maintain the supremacy of the Constitution of the United States and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired, and that so soon as those objects should be accomplished the war on the part of the Government should cease; and

Whereas the President of the United States has heretofore, in the spirit of that declaration and with the view of securing for it ultimate and complete effect, set forth several proclamations offering amnesty and pardon to persons who had been or were concerned in the aforenamed rebellion, which proclamations, however, were attended with prudential reservations and exceptions then deemed necessary and proper, and which proclamations were respectively issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 29th day of May, 1865, and on the 7th day of September, 1867; and

Whereas the said lamentable civil war has long since altogether ceased, with an acknowledgment by all the States of the supremacy of the Federal Constitution and of the Government thereunder, and there no longer exists any reasonable ground to apprehend a renewal of the said civil war, or any foreign interference, or any unlawful resistance by any portion of the people of any of the States to the Constitution and laws of the United States; and

Whereas it is desirable to reduce the standing army and to bring to a speedy termination military occupation, martial law, military tribunals, abridgment of the freedom of speech and of the press, and suspension of the privilege of *habeas corpus* and of the right of trial by jury, such encroachments upon our free institutions in time of peace being dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our republican form of government, and exhaustive of the national resources; and

Whereas it is believed that amnesty and pardon will tend to secure a complete and universal establishment and prevalence of municipal law and order in conformity with the Constitution of the United States, and to remove all appearances or presumptions of a retaliatory or vindictive policy on the part of the Government attended by unnecessary disqualifications, pains, penalties, confiscations, and disfranchisements, and, on the contrary, to promote and procure complete fraternal reconciliation among the whole people, with due submission to the Constitution and laws:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, do, by virtue of the Constitution and in the name of the people of the United States, hereby proclaim and declare, unconditionally and without reservation, to all and to every person who, directly or indirectly, participated in the late insurrection or rebellion, excepting such person or persons as may be under presentment or indictment in any court of the United States having competent jurisdiction upon a charge of treason or other felony, a full pardon and amnesty for the offense of treason against the United States or of adhering to their enemies during the late civil war, with restoration of all rights of property, except as to slaves, and except also as to any property of which any person may have been legally divested under the laws of the United States.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereunto affixed.

[SEAL.] Done at the city of Washington, the 4th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed on the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas the said act seems to be prospective; and

Whereas a paper purporting to be a resolution of the legislature of Florida adopting the amendment of the thirteenth and fourteenth articles of the Constitution of the United States was received at the Department of State on the 16th of June, 1868, prior to the passage of the act of Congress referred to, which paper is attested by the names of Horatio

Jenkins, jr., as president *pro tempore* of the senate, and W. W. Moore as speaker of the assembly, and of William L. Apthoop, as secretary of the senate, and William Forsyth Bynum, as clerk of the assembly, and which paper was transmitted to the Secretary of State in a letter dated Executive Office, Tallahassee, Fla., June 10, 1868, from Harrison Reed, who therein signs himself governor; and

Whereas on the 6th day of July, 1868, a paper was received by the President, which paper, being addressed to the President, bears date of the 4th day of July, 1868, and was transmitted by and under the name of W. W. Holden, who therein writes himself governor of the State of North Carolina, which paper certifies that the said proposed amendment, known as article fourteen, did pass the senate and house of representatives of the general assembly of North Carolina on the 2d day of July instant, and is attested by the names of John H. Boner, or Bower, as secretary of the house of representatives, and T. A. Byrnes, as secretary of the senate; and its ratification on the 4th of July, 1868, is attested by Tod R. Caldwell, as lieutenant-governor, president of the senate, and Jo. W. Holden, as speaker house of representatives:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress aforesaid, do issue this proclamation, announcing the fact of the ratification of the said amendment by the legislature of the State of North Carolina in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 11th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas on the 18th day of July, 1868, a letter was received by the President, which letter, being addressed to the President, bears date of July 15, 1868, and was transmitted by and under the name of R. K. Scott, who therein writes himself governor of South Carolina, in which letter was inclosed and received at the same time by the President a paper purporting to be a resolution of the senate and house of representatives of the general assembly of the State of South Carolina ratifying the said proposed amendment, and also purporting to have passed the two said houses, respectively, on the 7th and 9th of July, 1868, and to have been approved by the said R. K. Scott, as governor of said State, on the 15th of July, 1868, which circumstances are attested by the signatures of D. T. Corbin, as president *pro tempore* of the senate, and of F. J. Moses, jr., as speaker of the house of representatives of said State, and of the said R. K. Scott, as governor:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress aforesaid, do issue this my proclamation, announcing the fact of the ratification of the said amendment by the legislature of the State of South Carolina in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 18th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State*.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed on the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas a paper was received at the Department of State on the 17th day of July, 1868, which paper, bearing date of the 9th day of July, 1868, purports to be a resolution of the senate and house of representatives of the State of Louisiana in general assembly convened ratifying the aforesaid amendment, and is attested by the signature of George E. Bovee, as secretary of state, under a seal purporting to be the seal of the State of Louisiana:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress before mentioned, do issue this my proclamation, announcing the fact of the ratification of the said amendment by the legislature of the State of Louisiana in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 18th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas a letter was received this day by the President, which letter, being addressed to the President, bears date of July 16, 1868, and was transmitted by and under the name of William H. Smith, who therein writes himself governor of Alabama, in which letter was inclosed and received at the same time by the President a paper purporting to be a resolution of the senate and house of representatives of the general assembly of the State of Alabama ratifying the said proposed amendment, which paper is attested by the signature of Charles A. Miller, as secretary of state, under a seal purporting to be the seal of the State of Alabama, and bears the date of approval of July 13, 1868, by William H. Smith, as governor of said State:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress before mentioned, do issue this my proclamation, announcing the fact of the ratification of the said amendment by the legislature of the State of Alabama in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 20th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," passed the 25th day of June, 1868, it is declared that it is made the duty of the President, within ten days after receiving official information of the ratification by the legislature of either of said States of a proposed amendment to the Constitution known as article fourteen, to issue a proclamation announcing that fact; and

Whereas a paper was received at the Department of State this 27th day of July, 1868, purporting to be a joint resolution of the senate and house of representatives of the general assembly of the State of Georgia, ratifying the said proposed amendment and also purporting to have passed the two said houses, respectively, on the 21st of July, 1868, and to have been approved by Rufus B. Bullock, who therein signs himself governor of Georgia, which paper is also attested by the signatures of Benjamin Conley, as president of the senate, and R. L. McWhorters, as speaker of the house of representatives, and is further attested by the signatures of A. E. Marshall, as secretary of the senate, and M. A. Hardin, as clerk of the house of representatives:

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, in compliance with and execution of the act of Congress before mentioned, do issue this my proclamation, announcing the fact of the ratification of the said amendment by the legislature of the State of Georgia in the manner hereinbefore set forth.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereto affixed.

[SEAL.] Done at the city of Washington, this 27th day of July, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In the year which is now drawing to its end the art, the skill, and the labor of the people of the United States have been employed with greater diligence and vigor and on broader fields than ever before, and the fruits of the earth have been gathered into the granary and the storehouse in marvelous abundance. Our highways have been lengthened, and new and prolific regions have been occupied. We are permitted to hope that long-protracted political and sectional dissensions are at no distant day to give place to returning harmony and fraternal affection throughout the Republic. Many foreign states have entered into liberal agreements with us, while nations which are far off and which heretofore have been unsocial and exclusive have become our friends.

The annual period of rest, which we have reached in health and tranquillity, and which is crowned with so many blessings, is by universal consent a convenient and suitable one for cultivating personal piety and practicing public devotion.

I therefore recommend that Thursday, the 26th day of November next, be set apart and observed by all the people of the United States as a day for public praise, thanksgiving, and prayer to the Almighty Creator and Divine Ruler of the Universe, by whose ever-watchful, merciful, and gracious providence alone states and nations, no less than families and individual men, do live and move and have their being.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of October, A. D. 1868, and of the Independence of the United States the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

EXECUTIVE ORDERS.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

WASHINGTON, *December 17, 1867.*

It is desired and advised that all communications in writing intended for the executive department of this Government and relating to public business of whatever kind, including suggestions for legislation, claims, contracts, employment, appointments, and removals from office, and pardons, be transmitted directly in the first instance to the head of the Department to which the care of the subject-matter of the communication properly belongs. This regulation has become necessary for the more convenient, punctual, and regular dispatch of the public business.

By order of the President:

WILLIAM H. SEWARD,
Secretary of State.

GENERAL ORDERS, No. 104.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 28, 1867.

By direction of the President of the United States, the following orders are made:

I. Brevet Major-General E. O. C. Ord will turn over the command of the Fourth Military District to Brevet Major-General A. C. Gillem, and proceed to San Francisco, Cal., to take command of the Department of California.

II. On being relieved by Brevet Major-General Ord, Brevet Major-General Irvin McDowell will proceed to Vicksburg, Miss., and relieve General Gillem in command of the Fourth Military District.

III. Brevet Major-General John Pope is hereby relieved of the command of the Third Military District, and will report without delay at the Headquarters of the Army for further orders, turning over his command to the next senior officer until the arrival of his successor.

IV. Major-General George G. Meade is assigned to the command of the Third Military District, and will assume it without delay. The Department of the East will be commanded by the senior officer now on duty in it until a commander is named by the President.

V. The officers assigned in the foregoing orders to command of military districts will exercise therein any and all powers conferred by acts of Congress upon district commanders, and also any and all powers pertaining to military-department commanders.

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By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, NO. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 12, 1868.

The following orders are published for the information and guidance of all concerned:

EXECUTIVE MANSION,
Washington, D. C., February 12, 1868.

General U. S. GRANT,
Commanding Armies of the United States, Washington, D. C.

GENERAL: You will please issue an order creating a military division, to be called the Military Division of the Atlantic, to be composed of the Department of the Lakes, the Department of the East, and the Department of Washington, and to be commanded by Lieutenant-General William T. Sherman, with his headquarters at Washington.

Until further orders from the President, you will assign no officer to the permanent command of the Military Division of the Missouri.

Respectfully, yours,

ANDREW JOHNSON.

Major-General P. H. Sheridan, the senior officer in the Military Division of the Missouri, will temporarily perform the duties of commander of the Military Division of the Missouri, in addition to his duties of department commander.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

HON. EDWIN M. STANTON,
Washington, D. C.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon the receipt of this communication.

You will transfer to Brevet Major-General Lorenzo Thomas, Adjutant-General of the Army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

Respectfully, yours,
ANDREW JOHNSON.

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

Brevet Major-General LORENZO THOMAS,
Adjutant-General United States Army, Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours,
ANDREW JOHNSON.

GENERAL ORDERS, No. 17.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 28, 1868.

By direction of the President of the United States, Major-General W. S. Hancock is relieved from command of the Fifth Military District and assigned to command of the Military Division of the Atlantic, created by General Orders, No. 10, of February 12, 1868.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, D. C., May 28, 1868.

The chairman of the committee of arrangements having requested that an opportunity may be given to those employed in the several Executive Departments of the Government to unite with their fellow-citizens in paying a fitting tribute to the memory of the brave men whose remains repose in the national cemeteries, the President directs that as far as may be consistent with law and the public interests persons who desire to participate in the ceremonies be permitted to absent themselves from their duties on Saturday, the 30th instant.

By order of the President:

WM. G. MOORE, *Secretary.*

EXECUTIVE MANSION,
Washington, D. C., June 1, 1868.

Major-General John M. Schofield having been appointed, by and with the advice and consent of the Senate, Secretary for the Department of War, is hereby relieved from the command of the First Military District, created by the act of Congress passed March 2, 1867.

Brevet Major-General George Stoneman is hereby assigned, according to his brevet rank of major-general, to the command of the said First District and of the Military Department of Virginia.

The Secretary of War will please give the necessary instructions to carry this order into effect.

ANDREW JOHNSON.

GENERAL ORDERS, NO. 25.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 3, 1868.

I. The following order of the President has been received from the War Department:

WASHINGTON, *June 2, 1868.*

The President with deep regret announces to the people of the United States the decease, at Wheatland, Pa., on the 1st instant, of his honored predecessor James Buchanan.

This event will occasion mourning in the nation for the loss of an eminent citizen and honored public servant.

As a mark of respect for his memory, it is ordered that the Executive Departments be immediately placed in mourning and all business be suspended on the day of the funeral.

It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on this occasion to the memory of the illustrious dead.

ANDREW JOHNSON.

II. In compliance with the instructions of the President and of the Secretary of War, on the day after the receipt of this order at each military post the troops will be paraded at 10 o'clock a. m. and the order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards, at intervals of thirty minutes between the rising and setting sun, a single gun, and at the close of the day a national salute of thirty-seven guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of six months.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDER.

NAVY DEPARTMENT,
Washington, June 3, 1868.

The death of ex-President James Buchanan is announced in the following order of the President of the United States:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that thirty minute guns be fired at each of the navy-yards and naval stations on Thursday, the 4th instant, the day designated for the funeral of the late ex-President Buchanan, commencing at noon, and on board the flagships in each squadron upon the day after the receipt of this order. The flags at the several navy-yards, naval stations, and marine barracks will be placed at half-mast until after the funeral, and on board all naval vessels in commission upon the day after this order is received.

GIDEON WELLES, *Secretary of the Navy.*

GENERAL ORDERS, NO. 33.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 30, 1868.

By direction of the President of the United States, the following orders are made:

I. Brevet Major-General Irvin McDowell is relieved from the command of the Fourth Military District, and will report in person, without delay, at the War Department.

II. Brevet Major-General Alvan C. Gillem is assigned to the command of the Fourth Military District, and will assume it without delay.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 44.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 13, 1868.

By direction of the President, Brigadier and Brevet Major-General Irvin McDowell is assigned to the command of the Department of the East.

The headquarters of the department will be transferred from Philadelphia to New York City.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 55.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, July 28, 1868.

The following orders from the War Department, which have been approved by the President, are published for the information and government of the Army and of all concerned:

The commanding generals of the Second, Third, Fourth, and Fifth Military Districts having officially reported that the States of Arkansas, North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida have fully complied with the acts of Congress known as the reconstruction acts, including the act passed June 22, 1868, entitled "An act to admit the State of Arkansas to representation in Congress," and the act passed June 25, 1868, entitled "An act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to representation in Congress," and that, consequently, so much of the act of March 2, 1867, and the acts supplementary thereto as provides for the organization of military districts, subject to the military authority of the United States, as therein provided, has become inoperative in said States, and that the commanding generals have ceased to exercise in said States the military powers conferred by said acts of Congress: Therefore the following changes will be made in the organization and command of military districts and geographical departments:

I. The Second and Third Military Districts having ceased to exist, the States of North Carolina, South Carolina, Georgia, Alabama, and Florida will constitute the Department of the South, Major-General George G. Meade to command. Headquarters at Atlanta, Ga.

II. The Fourth Military District will now consist only of the State of Mississippi, and will continue to be commanded by Brevet Major-General A. C. Gillem.

III. The Fifth Military District will now consist of the State of Texas, and will be commanded by Brevet Major-General J. J. Reynolds. Headquarters at Austin, Tex.

IV. The States of Louisiana and Arkansas will constitute the Department of Louisiana. Brevet Major-General L. H. Rousseau is assigned to the command. Headquarters at New Orleans, La. Until the arrival of General Rousseau at New Orleans, Brevet Major-General Buchanan will command the Department.

V. Brevet Major-General George Crook is assigned, according to his brevet of major-general, to command the Department of the Columbia, in place of Rousseau, relieved.

VI. Brevet Major-General E. R. S. Canby is reassigned to command the Department of Washington.

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By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

Under and in pursuance of the authority vested in the President of the United States by the provisions of the second section of the act of Congress approved on the 27th day of July, 1868, entitled "An act to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes," the port of Sitka, in said Territory, is hereby constituted and established as the port of entry for the collection district of Alaska provided for by said act; and under and in pursuance of the authority vested in him by the fourth section of said act the importation and use of firearms, ammunition, and distilled spirits into and within the said Territory, or any portion thereof, except as hereinafter provided, is entirely prohibited, under the pains and penalties specified in said last-named section: *Provided, however,* That under such regulations as the Secretary of the Treasury may prescribe, in accordance with law, such articles may, in limited quantities, be shipped coastwise from United States ports on the Pacific coast to said port of Sitka, and to that port only in said Territory, on the shipper giving bonds to the collector of customs at the port of shipment, conditioned that such articles will on their arrival at Sitka be delivered to the collector of customs, or the person there acting as such, to remain in his possession and under his control until sold or disposed of to such persons as the military or other chief authority in said Territory may specially designate in permits for that purpose signed by himself or a subordinate duly authorized by him.

Done at the city of Washington, this 22d day of August, A. D. 1868, and of the Independence of the United States the ninety-third.

ANDREW JOHNSON, *President.*

SPECIAL ORDERS, NO. 219.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, September 12, 1868.

* * * * * * *

18. By direction of the President, Brevet Major-General L. H. Rousseau, brigadier-general, commanding Department of Louisiana, is hereby assigned to duty according to his brevet rank of major-general. This order to take effect when General Rousseau assumes command.

19. By direction of the President, paragraph 12 of Special Orders, No. 70, May 23, 1868, from this office, assigning Brevet Major-General R. C. Buchanan, colonel First United States Infantry, to duty according to his brevet rank of major-general, is hereby revoked, and he is hereby assigned to duty according to his brevet rank of brigadier-general, in order that he may command the District of Louisiana. This order to take effect when General Rousseau assumes command of the Department of Louisiana.

By command of General Grant:

J. C. KELTON,
Assistant Adjutant-General.

GENERAL ORDERS, NO. 82.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 10, 1868.

The following order has been received from the President, and by his direction is published to the Army:

The following provisions from the Constitution and laws of the United States in relation to the election of a President and Vice-President of the United States, together with an act of Congress prohibiting all persons engaged in the military and naval service from interfering in any general or special election in any State, are published for the information and government of all concerned:

[Extract from Article II, section 1, Constitution of the United States.]

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[Extract from Article XII, amendment to the Constitution of the United States.]

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

[Extract from "An act relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice-President," approved March 1, 1792.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That * * * electors shall be appointed in each State for the election of a President and Vice-President of the United States * * * in every fourth year succeeding the last election, which electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice-President thus to be chosen should come into office: *Provided always,* That where no apportionment of Representatives shall have been made after any enumeration at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives.

["An act to establish a uniform time for holding elections for electors of President and Vice-President in all the States of the Union," approved January 23, 1845.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the electors of President and Vice-President shall be appointed in each State on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed: *Provided,* That each State may by law provide for the filling of any vacancy or vacancies which may occur in its college of electors when such college meets to give its electoral vote: *And provided also,* When any State shall have held an election for the purpose of choosing electors, and shall fail to make a choice on the day aforesaid, then the electors may be appointed on a subsequent day in such manner as the State shall by law provide.

[Extracts from "An act relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice-President," approved March 1, 1792.]

SEC. 2. *And be it further enacted,* That the electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the legislature thereof; and the electors in each State shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such State for President and Vice-President is contained therein, and shall, by writing under their hands or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the said certificates; and the said electors shall forthwith forward by the post-office to the President of the Senate, at the seat of Government, one other of the said certificates, and shall forthwith cause the other of the said certificates to be delivered to the judge of that district in which the said electors shall assemble.

SEC. 3. *And be it further enacted*, That the executive authority of each State shall cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the said first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes.

SEC. 4. *And be it further enacted*, That if a list of votes from any State shall not have been received at the seat of Government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the district judge in whose custody such list shall have been lodged, who shall forthwith transmit the same to the seat of Government.

SEC. 5. *And be it further enacted*, That Congress shall be in session on the second Wednesday in February, 1793, and on the second Wednesday in February succeeding every meeting of the electors, and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice-President ascertained and declared agreeably to the Constitution.

SEC. 6. *And be it further enacted*, That in case there shall be no President of the Senate at the seat of Government on the arrival of the persons intrusted with the list of the votes of the electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over as soon as may be to the President of the Senate.

* * * * * * *

SEC. 8. *And be it further enacted*, That if any person appointed to deliver the votes of the electors to the President of the Senate shall, after accepting of his appointment, neglect to perform the services required of him by this act, he shall forfeit the sum of $1,000.

[Extract from "An act making compensation to the persons appointed by the electors to deliver the votes for President and Vice-President," approved February 11, 1825.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the person appointed by the electors to deliver to the President of the Senate a list of the votes for President and Vice-President shall be allowed, on delivery of said list, 25 cents for every mile of the estimated distance by the most usual route from the place of meeting of the electors to the seat of Government of the United States, going and returning.

[Extract from "An act relative to the election of a President and Vice-President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice-President," approved March 1, 1792.]

SEC. 12. *And be it further enacted*, That the term of four years for which a President and Vice-President shall be elected shall in all cases commence on the 4th day of March next succeeding the day on which the votes of the electors shall have been given.

["An act to prevent officers of the Army and Navy, and other persons engaged in the military and naval service of the United States, from interfering in elections in the States," approved February 25, 1865.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any military or naval officer of the United States, or other person engaged in the civil, military, or naval service of the United States, to order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State of the United States of America, unless it shall be necessary to repel the armed enemies of the United States or to keep the peace at the polls. And that it shall not be lawful for any officer of the Army or Navy of the United States to prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State of the United States of America, or in any manner to interfere with the freedom of any election in any State or with the exercise of the free right of suffrage in any State of the United States. Any officer of the Army or Navy of the United States, or other person engaged in the civil, military, or naval service of the United States, who violates this section of this act shall for every such offense be liable to indictment as for a misdemeanor in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine not exceeding $5,000 and suffer imprisonment in the penitentiary not less than three months nor more than five years, at the discretion of the court trying the same; and any person convicted as aforesaid shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States: *Provided*, That nothing herein contained shall be so construed as to prevent any officers, soldiers, sailors, or marines from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he shall offer to vote.

SEC. 2. *And be it further enacted*, That any officer or person in the military or naval service of the United States who shall order or advise, or who shall, directly or indirectly, by force, threat, menace, intimidation, or otherwise, prevent or attempt to prevent any qualified voter of any State of the United States of America from freely exercising the right of suffrage at any general or special election in any State of the United States, or who shall in like manner compel or attempt to compel any officer of an election in any such State to receive a vote from a person not legally qualified to vote, or who shall impose or attempt to impose any rules or regulations for conducting such election different from those prescribed by law, or interfere in any manner with any officer of said election in the discharge of his duties, shall for any such offense be liable to indictment as for a misdemeanor in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine of not exceeding $5,000 and suffer imprisonment in the penitentiary not exceeding five years, at the discretion of the court trying the same; and any person convicted as aforesaid shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, November 4, 1868.

By direction of the President, Brevet Major-General E. R. S. Canby is hereby assigned to the command of the Fifth Military District, created by the act of Congress of March 2, 1867, and of the Military Department of Texas, consisting of the State of Texas. He will, without unnecessary delay, turn over his present command to the next officer in rank and proceed to the command to which he is hereby assigned, and on assuming the same will, when necessary to a faithful execution of the laws, exercise any and all powers conferred by acts of Congress upon district commanders and any and all authority pertaining to officers in command of military departments.

Brevet Major-General J. J. Reynolds is hereby relieved from the command of the Fifth Military District.

J. M. SCHOFIELD,
Secretary of War.

FOURTH ANNUAL MESSAGE.

WASHINGTON, *December 9, 1868.*

Fellow-Citizens of the Senate and House of Representatives:

Upon the reassembling of Congress it again becomes my duty to call your attention to the state of the Union and to its continued disorganized condition under the various laws which have been passed upon the subject of reconstruction.

It may be safely assumed as an axiom in the government of states that the greatest wrongs inflicted upon a people are caused by unjust and arbitrary legislation, or by the unrelenting decrees of despotic rulers, and that the timely revocation of injurious and oppressive measures is the greatest good that can be conferred upon a nation. The legislator or ruler who has the wisdom and magnanimity to retrace his steps when convinced of error will sooner or later be rewarded with the respect and gratitude of an intelligent and patriotic people.

Our own history, although embracing a period less than a century, affords abundant proof that most, if not all, of our domestic troubles are directly traceable to violations of the organic law and excessive legislation. The most striking illustrations of this fact are furnished by the enactments of the past three years upon the question of reconstruction. After a fair trial they have substantially failed and proved pernicious in their results, and there seems to be no good reason why they should longer remain upon the statute book. States to which the Constitution guarantees a republican form of government have been reduced to military dependencies, in each of which the people have been made subject to the arbitrary will of the commanding general. Although the Constitution requires that each State shall be represented in Congress, Virginia, Mississippi, and Texas are yet excluded from the two Houses, and, contrary to the express provisions of that instrument, were denied participation in the recent election for a President and Vice-President of the United States. The attempt to place the white population under the domination of persons of color in the South has impaired, if not destroyed, the kindly relations that had previously existed between them; and mutual distrust has engendered a feeling of animosity which, leading in some instances to collision and bloodshed, has prevented that cooperation between the two races so essential to the success of industrial enterprise in the Southern States. Nor have the inhabitants of those States alone suffered from the disturbed condition of affairs growing out of these Congressional enactments. The entire Union has been agitated by grave apprehensions of troubles which might again involve the peace of the nation; its interests have been injuriously affected by the derangement of business and labor, and the consequent want of prosperity throughout that portion of the country.

The Federal Constitution—the *magna charta* of American rights, under whose wise and salutary provisions we have successfully conducted all our domestic and foreign affairs, sustained ourselves in peace and in war, and become a great nation among the powers of the earth—must assuredly be now adequate to the settlement of questions growing out of the civil war, waged alone for its vindication. This great fact is made most manifest by the condition of the country when Congress assembled in the month of December, 1865. Civil strife had ceased, the spirit of rebellion had spent its entire force, in the Southern States the people had warmed into national life, and throughout the whole country a healthy reaction in public sentiment had taken place. By the application of the simple yet effective provisions of the Constitution the executive department, with the voluntary aid of the States, had brought the work of restoration as near completion as was within the scope of its authority, and the nation was encouraged by the prospect of an early and satisfactory adjustment of all its difficulties. Congress, however, intervened, and, refusing to perfect the work so nearly consummated, declined to admit members from the unrepresented States, adopted a series of measures which arrested the progress of restoration, frustrated all that had been so successfully accomplished, and, after three years of agitation and strife, has left the country further from the attainment of union and fraternal feeling than at the inception of the Congressional plan of reconstruction. It needs no argument to show that legislation which has produced such baneful consequences should be abrogated, or else made to conform to the genuine principles of republican government.

Under the influence of party passion and sectional prejudice, other acts have been passed not warranted by the Constitution. Congress has already been made familiar with my views respecting the "tenure-of-office bill." Experience has proved that its repeal is demanded by the best interests of the country, and that while it remains in force the President can not enjoin that rigid accountability of public officers so essential to an honest and efficient execution of the laws. Its revocation would enable the executive department to exercise the power of appointment and removal in accordance with the original design of the Federal Constitution.

The act of March 2, 1867, making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes, contains provisions which interfere with the President's constitutional functions as Commander in Chief of the Army and deny to States of the Union the right to protect themselves by means of their own militia. These provisions should be at once annulled; for while the first might, in times of great emergency, seriously embarrass the Executive in efforts to employ and direct the common strength of the nation for its protection and preservation, the other is contrary to the express declaration of the Constitution that "a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

It is believed that the repeal of all such laws would be accepted by the American people as at least a partial return to the fundamental principles of the Government, and an indication that hereafter the Constitution is to be made the nation's safe and unerring guide. They can be productive of no permanent benefit to the country, and should not be permitted to stand as so many monuments of the deficient wisdom which has characterized our recent legislation.

The condition of our finances demands the early and earnest consideration of Congress. Compared with the growth of our population, the public expenditures have reached an amount unprecedented in our history.

The population of the United States in 1790 was nearly 4,000,000 people. Increasing each decade about 33 per cent, it reached in 1860 31,000,000, an increase of 700 per cent on the population in 1790. In 1869 it is estimated that it will reach 38,000,000, or an increase of 868 per cent in seventy-nine years.

The annual expenditures of the Federal Government in 1791 were $4,200,000; in 1820, $18,200,000; in 1850, forty-one millions; in 1860, sixty-three millions; in 1865, nearly thirteen hundred millions; and in 1869 it is estimated by the Secretary of the Treasury, in his last annual report, that they will be three hundred and seventy-two millions.

By comparing the public disbursements of 1869, as estimated, with those of 1791, it will be seen that the increase of expenditure since the beginning of the Government has been 8,618 per cent, while the increase of the population for the same period was only 868 per cent. Again, the expenses of the Government in 1860, the year of peace immediately preceding the war, were only sixty-three millions, while in 1869, the year of peace three years after the war, it is estimated they will be three hundred and seventy-two millions, an increase of 489 per cent, while the increase of population was only 21 per cent for the same period.

These statistics further show that in 1791 the annual national expenses, compared with the population, were little more than $1 per capita, and in 1860 but $2 per capita; while in 1869 they will reach the extravagant sum of $9.78 per capita.

It will be observed that all these statements refer to and exhibit the disbursements of peace periods. It may, therefore, be of interest to compare the expenditures of the three war periods—the war with Great Britain, the Mexican War, and the War of the Rebellion.

In 1814 the annual expenses incident to the War of 1812 reached their highest amount—about thirty-one millions—while our population slightly exceeded 8,000,000, showing an expenditure of only $3.80 per capita. In 1847 the expenditures growing out of the war with Mexico reached fifty-five millions, and the population about 21,000,000, giving only $2.60 per capita for the war expenses of that year. In 1865 the expenditures called for by the rebellion reached the vast amount of twelve hundred and ninety millions, which, compared with a population of 34,000,000, gives $38.20 per capita.

From the 4th day of March, 1789, to the 30th of June, 1861, the entire expenditures of the Government were $1,700,000,000. During that period we were engaged in wars with Great Britain and Mexico, and were involved in hostilities with powerful Indian tribes; Louisiana was purchased from France at a cost of $15,000,000; Florida was ceded to us by Spain for five millions; California was acquired from Mexico for fifteen millions, and the territory of New Mexico was obtained from Texas for the sum of ten millions. Early in 1861 the War of the Rebellion commenced; and from the 1st of July of that year to the 30th of June, 1865, the public expenditures reached the enormous aggregate of thirty-three hundred millions. Three years of peace have intervened, and during that time the disbursements of the Government have successively been five hundred and twenty millions, three hundred and forty-six millions, and three hundred and ninety-three millions. Adding to these amounts three hundred and seventy-two millions, estimated as necessary for the fiscal year ending the 30th of June, 1869, we obtain a total expenditure of $1,600,000,000 during the four years immediately succeeding the war, or nearly as much as was expended during the seventy-two years that preceded the rebellion and embraced the extraordinary expenditures already named.

These startling facts clearly illustrate the necessity of retrenchment in all branches of the public service. Abuses which were tolerated during the war for the preservation of the nation will not be endured by the people, now that profound peace prevails. The receipts from internal revenues and customs have during the past three years gradually diminished, and the continuance of useless and extravagant expenditures will involve us in national bankruptcy, or else make inevitable an increase of taxes, already too onerous and in many respects obnoxious on account of their inquisitorial character. One hundred millions annually are expended for the military force, a large portion of which is employed in the execution of laws both unnecessary and unconstitutional; one hundred and fifty millions are required each year to pay the interest on the public debt; an army of taxgatherers impoverishes the nation, and public agents, placed by Congress beyond the control of the Executive, divert from their legitimate purposes large sums of money which they collect from the people in the name of the Government. Judicious legislation and prudent economy can alone remedy defects and avert evils which, if suffered to exist, can not fail to diminish confidence in the public councils and weaken the attachment and respect of the people toward their political institutions. Without proper care the small balance which it is estimated will remain in the Treasury at the close of the present fiscal year will not be realized, and additional millions be added to a debt which is now enumerated by billions.

It is shown by the able and comprehensive report of the Secretary of the Treasury that the receipts for the fiscal year ending June 30, 1868, were $405,638,083, and that the expenditures for the same period were $377,340,284, leaving in the Treasury a surplus of $28,297,798. It is estimated that the receipts during the present fiscal year, ending June 30, 1869, will be $341,392,868 and the expenditures $336,152,470, showing a small balance of $5,240,398 in favor of the Government. For the fiscal year ending June 30, 1870, it is estimated that the receipts will amount to $327,000,000 and the expenditures to $303,000,000, leaving an estimated surplus of $24,000,000.

It becomes proper in this connection to make a brief reference to our public indebtedness, which has accumulated with such alarming rapidity and assumed such colossal proportions.

In 1789, when the Government commenced operations under the Federal Constitution, it was burdened with an indebtedness of $75,000,000, created during the War of the Revolution. This amount had been reduced to $45,000,000 when, in 1812, war was declared against Great Britain. The three years' struggle that followed largely increased the national obligations, and in 1816 they had attained the sum of $127,000,000. Wise and economical legislation, however, enabled the Government to pay the entire amount within a period of twenty years, and the extinguishment of the national debt filled the land with rejoicing and was one of the great events of President Jackson's Administration. After its redemption a large fund remained in the Treasury, which was deposited for safe-keeping with the several States, on condition that it should be returned when required by the public wants. In 1849—the year after the termination of an expensive war with Mexico—we found ourselves involved in a debt of $64,000,000; and this was the amount owed by the Government in 1860, just prior to the outbreak of the rebellion. In the spring of 1861 our civil war commenced. Each year of its continuance made an enormous addition to the debt; and when, in the spring of 1865, the nation successfully emerged from the conflict, the obligations of the Government had reached the immense sum of $2,873,992,909. The Secretary of the Treasury shows that on the 1st day of November, 1867, this amount had been reduced to $2,491,504,450; but at the same time his report exhibits an increase during the past year of $35,625,102, for the debt on the 1st day of November last is stated to have been $2,527,129,552. It is estimated by the Secretary that the returns for the past month will add to our liabilities the further sum of $11,000,000, making a total increase during thirteen months of $46,500,000.

In my message to Congress December 4, 1865, it was suggested that a policy should be devised which, without being oppressive to the people, would at once begin to effect a reduction of the debt, and, if persisted in, discharge it fully within a definite number of years. The Secretary of the Treasury forcibly recommends legislation of this character, and justly urges that the longer it is deferred the more difficult must become its accomplishment. We should follow the wise precedents established in 1789 and 1816, and without further delay make provision for the payment of our obligations at as early a period as may be practicable. The fruits of their labors should be enjoyed by our citizens rather than used to build up and sustain moneyed monopolies in our own and other lands. Our foreign debt is already computed by the Secretary of the Treasury at $850,000,000; citizens of foreign countries receive interest upon a large portion of our securities, and American taxpayers are made to contribute large sums for their support. The idea that such a debt is to become permanent should be at all times discarded as involving taxation too heavy to be borne, and payment once in every sixteen years, at the present rate of interest, of an amount equal to the original sum. This vast debt, if permitted to become permanent and increasing, must eventually be gathered into the hands of a few, and enable them to exert a dangerous and controlling power in the affairs of the Government. The borrowers would become servants to the lenders, the lenders the masters of the people. We now pride ourselves upon having given freedom to 4,000,000 of the colored race; it will then be our shame that 40,000,000 of people, by their own toleration of usurpation and profligacy, have suffered themselves to become enslaved, and merely exchanged slave owners for new taskmasters in the shape of bondholders and taxgatherers. Besides, permanent debts pertain to monarchical governments, and, tending to monopolies, perpetuities, and class legislation, are totally irreconcilable with free institutions. Introduced into our republican system, they would gradually but surely sap its foundations, eventually subvert our governmental fabric, and erect upon its ruins a moneyed aristocracy. It is our sacred duty to transmit unimpaired to our posterity the blessings of liberty which were bequeathed to us by the founders of the Republic, and by our example teach those who are to follow us carefully to avoid the dangers which threaten a free and independent people.

Various plans have been proposed for the payment of the public debt. However they may have varied as to the time and mode in which it should be redeemed, there seems to be a general concurrence as to the propriety and justness of a reduction in the present rate of interest. The

Secretary of the Treasury in his report recommends 5 per cent; Congress, in a bill passed prior to adjournment on the 27th of July last, agreed upon 4 and 4½ per cent; while by many 3 per cent has been held to be an amply sufficient return for the investment. The general impression as to the exorbitancy of the existing rate of interest has led to an inquiry in the public mind respecting the consideration which the Government has actually received for its bonds, and the conclusion is becoming prevalent that the amount which it obtained was in real money three or four hundred per cent less than the obligations which it issued in return. It can not be denied that we are paying an extravagant percentage for the use of the money borrowed, which was paper currency, greatly depreciated below the value of coin. This fact is made apparent when we consider that bondholders receive from the Treasury upon each dollar they own in Government securities 6 per cent in gold, which is nearly or quite equal to 9 per cent in currency; that the bonds are then converted into capital for the national banks, upon which those institutions issue their circulation, bearing 6 per cent interest; and that they are exempt from taxation by the Government and the States, and thereby enhanced 2 per cent in the hands of the holders. We thus have an aggregate of 17 per cent which may be received upon each dollar by the owners of Government securities. A system that produces such results is justly regarded as favoring a few at the expense of the many, and has led to the further inquiry whether our bondholders, in view of the large profits which they have enjoyed, would themselves be averse to a settlement of our indebtedness upon a plan which would yield them a fair remuneration and at the same time be just to the taxpayers of the nation. Our national credit should be sacredly observed, but in making provision for our creditors we should not forget what is due to the masses of the people. It may be assumed that the holders of our securities have already received upon their bonds a larger amount than their original investment, measured by a gold standard. Upon this statement of facts it would seem but just and equitable that the 6 per cent interest now paid by the Government should be applied to the reduction of the principal in semiannual installments, which in sixteen years and eight months would liquidate the entire national debt. Six per cent in gold would at present rates be equal to 9 per cent in currency, and equivalent to the payment of the debt one and a half times in a fraction less than seventeen years. This, in connection with all the other advantages derived from their investment, would afford to the public creditors a fair and liberal compensation for the use of their capital, and with this they should be satisfied. The lessons of the past admonish the lender that it is not well to be overanxious in exacting from the borrower rigid compliance with the letter of the bond.

If provision be made for the payment of the indebtedness of the Government in the manner suggested, our nation will rapidly recover its wonted prosperity. Its interests require that some measure should be taken to release the large amount of capital invested in the securities of the Government. It is not now merely unproductive, but in taxation annually consumes $150,000,000, which would otherwise be used by our enterprising people in adding to the wealth of the nation. Our commerce, which at one time successfully rivaled that of the great maritime powers, has rapidly diminished, and our industrial interests are in a depressed and languishing condition. The development of our inexhaustible resources is checked, and the fertile fields of the South are becoming waste for want of means to till them. With the release of capital, new life would be infused into the paralyzed energies of our people and activity and vigor imparted to every branch of industry. Our people need encouragement in their efforts to recover from the effects of the rebellion and of injudicious legislation, and it should be the aim of the Government to stimulate them by the prospect of an early release from the burdens which impede their prosperity. If we can not take the burdens from their shoulders, we should at least manifest a willingness to help to bear them.

In referring to the condition of the circulating medium, I shall merely reiterate substantially that portion of my last annual message which relates to that subject.

The proportion which the currency of any country should bear to the whole value of the annual produce circulated by its means is a question upon which political economists have not agreed. Nor can it be controlled by legislation, but must be left to the irrevocable laws which everywhere regulate commerce and trade. The circulating medium will ever irresistibly flow to those points where it is in greatest demand. The law of demand and supply is as unerring as that which regulates the tides of the ocean; and, indeed, currency, like the tides, has its ebbs and flows throughout the commercial world.

At the beginning of the rebellion the bank-note circulation of the country amounted to not much more than $200,000,000; now the circulation of national-bank notes and those known as "legal-tenders" is nearly seven hundred millions. While it is urged by some that this amount should be increased, others contend that a decided reduction is absolutely essential to the best interests of the country. In view of these diverse opinions, it may be well to ascertain the real value of our paper issues when compared with a metallic or convertible currency. For this purpose let us inquire how much gold and silver could be purchased by the seven hundred millions of paper money now in circulation. Probably not more than half the amount of the latter; showing that when our paper currency is compared with gold and silver its commercial value is compressed into three hundred and fifty millions. This striking fact makes it the obvious duty of the Government, as early as may be consistent with the principles of sound political economy, to take such measures as will enable the holders of its notes and those of the national banks to convert them, without loss, into specie or its equivalent. A reduction of our paper circulating medium need not necessarily follow. This, however, would depend upon the law of demand and supply, though it should be borne in mind that by making legal-tender and bank notes convertible into coin or its equivalent their present specie value in the hands of their holders would be enhanced 100 per cent.

Legislation for the accomplishment of a result so desirable is demanded by the highest public considerations. The Constitution contemplates that the circulating medium of the country shall be uniform in quality and value. At the time of the formation of that instrument the country had just emerged from the War of the Revolution, and was suffering from the effects of a redundant and worthless paper currency. The sages of that period were anxious to protect their posterity from the evils which they themselves had experienced. Hence in providing a circulating medium they conferred upon Congress the power to coin money and regulate the value thereof, at the same time prohibiting the States from making anything but gold and silver a tender in payment of debts.

The anomalous condition of our currency is in striking contrast with that which was originally designed. Our circulation now embraces, first, notes of the national banks, which are made receivable for all dues to the Government, excluding imposts, and by all its creditors, excepting in payment of interest upon its bonds and the securities themselves; second, legal tender, issued by the United States, and which the law requires shall be received as well in payment of all debts between citizens as of all Government dues, excepting imposts; and, third, gold and silver coin. By the operation of our present system of finance, however, the metallic currency, when collected, is reserved only for one class of Government creditors, who, holding its bonds, semiannually receive their interest in coin from the National Treasury. There is no reason which will be accepted as satisfactory by the people why those who defend us on the land and protect us on the sea; the pensioner upon the gratitude of the nation, bearing the scars and wounds received while in its service; the public servants in the various departments of the Government; the farmer who supplies the soldiers of the Army and the sailors of the Navy; the artisan who toils in the nation's workshops, or the mechanics and laborers who build its edifices and construct its forts and vessels of war, should, in payment of their just and hard-earned dues, receive depreciated paper, while another class of their countrymen, no more deserving, are paid in coin of gold and silver. Equal and exact justice requires that all the creditors of the Government should be paid in a currency possessing a uniform value. This can only be accomplished by the restoration of the currency to the standard established by the Constitution, and by this means we would remove a discrimination which may, if it has not already done so, create a prejudice that may become deep-rooted and widespread and imperil the national credit.

The feasibility of making our currency correspond with the constitutional standard may be seen by reference to a few facts derived from our commercial statistics.

The aggregate product of precious metals in the United States from 1849 to 1867 amounted to $1,174,000,000, while for the same period the net exports of specie were $741,000,000. This shows an excess of product over net exports of $433,000,000. There are in the Treasury $103,407,985 in coin; in circulation in the States on the Pacific Coast about $40,000,000, and a few millions in the national and other banks—in all less than $160,000,000. Taking into consideration the specie in the country prior to 1849 and that produced since 1867, and we have more than $300,000,000 not accounted for by exportation or by returns of the Treasury, and therefore most probably remaining in the country.

These are important facts, and show how completely the inferior currency will supersede the better, forcing it from circulation among the masses and causing it to be exported as a mere article of trade, to add to the money capital of foreign lands. They show the necessity of retiring our paper money, that the return of gold and silver to the avenues of trade may be invited and a demand created which will cause the retention at home of at least so much of the productions of our rich and inexhaustible gold-bearing fields as may be sufficient for purposes of circulation. It is unreasonable to expect a return to a sound currency so long as the Government and banks, by continuing to issue irredeemable notes, fill the channels of circulation with depreciated paper. Notwithstanding a coinage by our mints since 1849 of $874,000,000, the people are now strangers to the currency which was designed for their use and benefit, and specimens of the precious metals bearing the national device are seldom seen, except when produced to gratify the interest excited by their novelty. If depreciated paper is to be continued as the permanent currency of the country, and all our coin is to become a mere article of traffic and speculation, to the enhancement in price of all that is indispensable to the comfort of the people, it would be wise economy to abolish our mints, thus saving the nation the care and expense incident to such establishments, and let our precious metals be exported in bullion. The time has come, however, when the Government and national banks should be required to take the most efficient steps and make all necessary arrangements for a resumption of specie payments. Let specie payments once be earnestly inaugurated by the Government and banks, and the value of the paper circulation would directly approximate a specie standard.

Specie payments having been resumed by the Government and banks, all notes or bills of paper issued by either of a less denomination than $20 should by law be excluded from circulation, so that the people may have the benefit and convenience of a gold and silver currency which in all their business transactions will be uniform in value at home and abroad.

Every man of property or industry, every man who desires to preserve what he honestly possesses or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium—such a medium as shall be real and substantial, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but to be made stable and secure. A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system and encourages propensities destructive of its happiness; it wars against industry, frugality, and economy, and it fosters the evil spirits of extravagance and speculation.

It has been asserted by one of our profound and most gifted statesmen that—

> Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's fields by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of the community compared with a fraudulent currency and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well-disposed of a degraded paper currency authorized by law or in any way countenanced by government.

It is one of the most successful devices, in times of peace or war, of expansions or revulsions, to accomplish the transfer of all the precious metals from the great mass of the people into the hands of the few, where they are hoarded in secret places or deposited under bolts and bars, while the people are left to endure all the inconvenience, sacrifice, and demoralization resulting from the use of depreciated and worthless paper.

The Secretary of the Interior in his report gives valuable information in reference to the interests confided to the supervision of his Department, and reviews the operations of the Land Office, Pension Office, Patent Office, and Indian Bureau.

During the fiscal year ending June 30, 1868, 6,655,700 acres of public land were disposed of. The entire cash receipts of the General Land Office for the same period were $1,632,745, being greater by $284,883 than the amount realized from the same sources during the previous year. The entries under the homestead law cover 2,328,923 acres, nearly one-fourth of which was taken under the act of June 21, 1866, which applies only to the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

On the 30th of June, 1868, 169,643 names were borne on the pension rolls, and during the year ending on that day the total amount paid for pensions, including the expenses of disbursement, was $24,010,982, being $5,391,025 greater than that expended for like purposes during the preceding year.

During the year ending the 30th of September last the expenses of the

Patent Office exceeded the receipts by $171, and, including reissues and designs, 14,153 patents were issued.

Treaties with various Indian tribes have been concluded, and will be submitted to the Senate for its constitutional action. I cordially sanction the stipulations which provide for reserving lands for the various tribes, where they may be encouraged to abandon their nomadic habits and engage in agricultural and industrial pursuits. This policy, inaugurated many years since, has met with signal success whenever it has been pursued in good faith and with becoming liberality by the United States. The necessity for extending it as far as practicable in our relations with the aboriginal population is greater now than at any preceding period. Whilst we furnish subsistence and instruction to the Indians and guarantee the undisturbed enjoyment of their treaty rights, we should habitually insist upon the faithful observance of their agreement to remain within their respective reservations. This is the only mode by which collisions with other tribes and with the whites can be avoided and the safety of our frontier settlements secured.

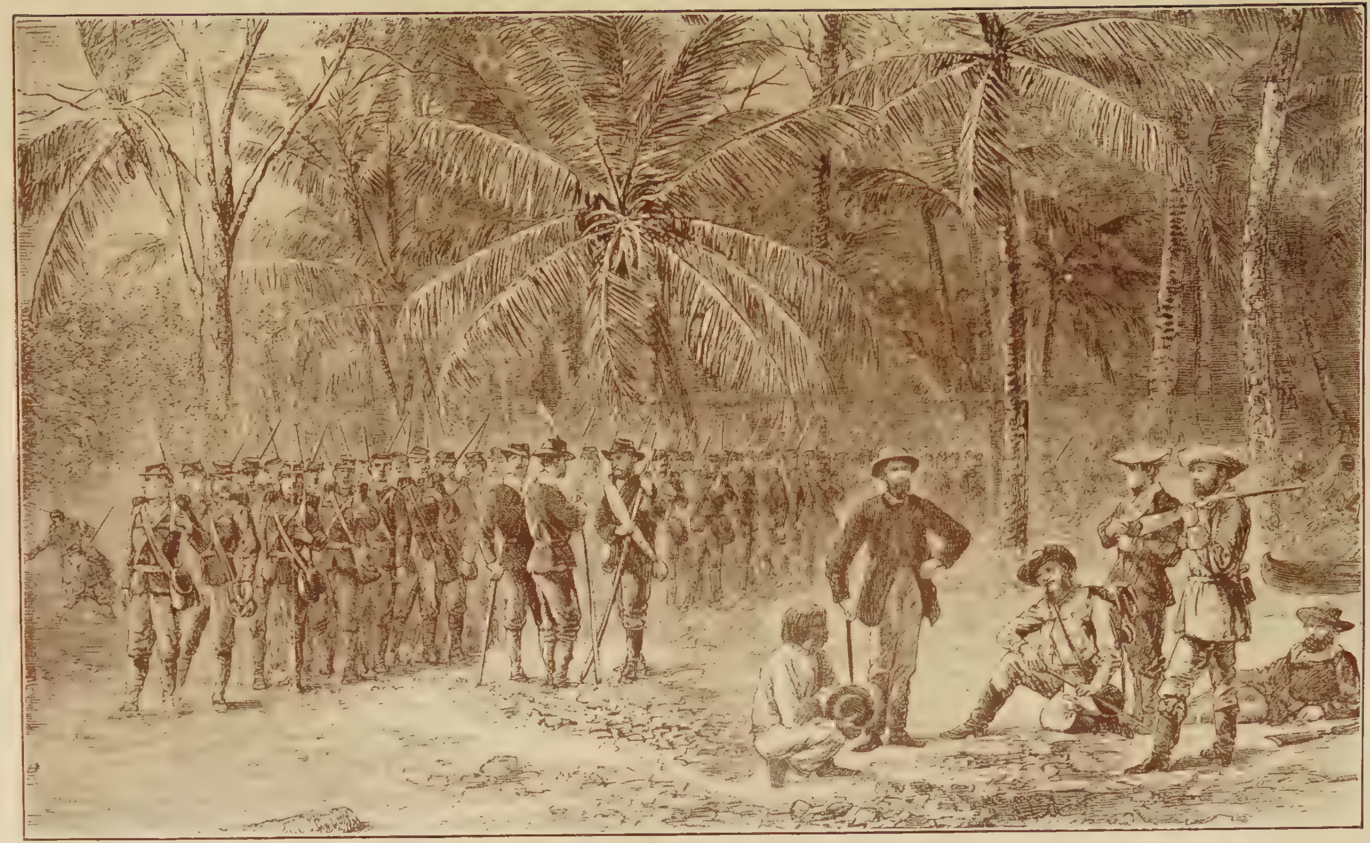
The companies constructing the railway from Omaha to Sacramento have been most energetically engaged in prosecuting the work, and it is believed that the line will be completed before the expiration of the next fiscal year. The 6 per cent bonds issued to these companies amounted on the 5th instant to $44,337,000, and additional work had been performed to the extent of $3,200,000.

The Secretary of the Interior in August last invited my attention to the report of a Government director of the Union Pacific Railroad Company who had been specially instructed to examine the location, construction, and equipment of their road. I submitted for the opinion of the Attorney-General certain questions in regard to the authority of the Executive which arose upon this report and those which had from time to time been presented by the commissioners appointed to inspect each successive section of the work. After carefully considering the law of the case, he affirmed the right of the Executive to order, if necessary, a thorough revision of the entire road. Commissioners were thereupon appointed to examine this and other lines, and have recently submitted a statement of their investigations, of which the report of the Secretary of the Interior furnishes specific information.

The report of the Secretary of War contains information of interest and importance respecting the several bureaus of the War Department and the operations of the Army. The strength of our military force on the 30th of September last was 48,000 men, and it is computed that by the 1st of January next this number will be decreased to 43,000. It is the opinion of the Secretary of War that within the next year a considerable diminution of the infantry force may be made without detriment to the interests of the country; and in view of the great expense attending the military peace establishment and the absolute necessity of retrenchment wherever it can be applied, it is hoped that Congress will sanction the reduction which his report recommends. While in 1860 sixteen thousand three hundred men cost the nation $16,472,000, the sum of $65,682,000 is estimated as necessary for the support of the Army during the fiscal year ending June 30, 1870. The estimates of the War Department for the last two fiscal years were, for 1867, $33,814,461, and for 1868 $25,205,669. The actual expenditures during the same periods were, respectively, $95,224,415 and $123,246,648. The estimate submitted in December last for the fiscal year ending June 30, 1869, was $77,124,707; the expenditures for the first quarter, ending the 30th of September last, were $27,219,117, and the Secretary of the Treasury gives $66,000,000 as the amount which will probably be required during the remaining three quarters, if there should be no reduction of the Army—making its aggregate cost for the year considerably in excess of ninety-three millions. The difference between the estimates and expenditures for the three fiscal years which have been named is thus shown to be $175,545,343 for this single branch of the public service.

The report of the Secretary of the Navy exhibits the operations of that Department and of the Navy during the year. A considerable reduction of the force has been effected. There are 42 vessels, carrying 411 guns, in the six squadrons which are established in different parts of the world. Three of these vessels are returning to the United States and 4 are used as storeships, leaving the actual cruising force 35 vessels, carrying 356 guns. The total number of vessels in the Navy is 206, mounting 1,743 guns. Eighty-one vessels of every description are in use, armed with 696 guns. The number of enlisted men in the service, including apprentices, has been reduced to 8,500. An increase of navy-yard facilities is recommended as a measure which will in the event of war be promotive of economy and security. A more thorough and systematic survey of the North Pacific Ocean is advised in view of our recent acquisitions, our expanding commerce, and the increasing intercourse between the Pacific States and Asia. The naval pension fund, which consists of a moiety of the avails of prizes captured during the war, amounts to $14,000,000. Exception is taken to the act of 23d July last, which reduces the interest on the fund loaned to the Government by the Secretary, as trustee, to 3 per cent instead of 6 per cent, which was originally stipulated when the investment was made. An amendment of the pension laws is suggested to remedy omissions and defects in existing enactments. The expenditures of the Department during the last fiscal year were $20,120,394, and the estimates for the coming year amount to $20,993,414.

The Postmaster-General's report furnishes a full and clear exhibit of the operations and condition of the postal service. The ordinary postal revenue for the fiscal year ending June 30, 1868, was $16,292,600, and the total expenditures, embracing all the service for which special



EARLY ATTEMPTS AT AN ISTHMIAN CANAL

EARLY ATTEMPTS AT A PANAMA CANAL

It seems strange to credit the project of a canal across the Isthmus of Darien, connecting the Atlantic with the Pacific, to a Spaniard, but according to the account in the Encyclopedic Index, entitled "Panama Canal," the idea was first broached in 1527 by de la Serna, who even surveyed a route from Chagres to Panama.

The illustration shows the Selfridge expedition of 1870 making surveys.

appropriations have been made by Congress, amounted to $22,730,592, showing an excess of expenditures of $6,437,991. Deducting from the expenditures the sum of $1,896,525, the amount of appropriations for ocean-steamship and other special service, the excess of expenditures was $4,541,466. By using an unexpended balance in the Treasury of $3,800,000 the actual sum for which a special appropriation is required to meet the deficiency is $741,466. The causes which produced this large excess of expenditure over revenue were the restoration of service in the late insurgent States and the putting into operation of new service established by acts of Congress, which amounted within the last two years and a half to about 48,700 miles—equal to more than one-third of the whole amount of the service at the close of the war. New postal conventions with Great Britain, North Germany, Belgium, the Netherlands, Switzerland, and Italy, respectively, have been carried into effect. Under their provisions important improvements have resulted in reduced rates of international postage and enlarged mail facilities with European countries. The cost of the United States transatlantic ocean mail service since January 1, 1868, has been largely lessened under the operation of these new conventions, a reduction of over one-half having been effected under the new arrangements for ocean mail steamship service which went into effect on that date. The attention of Congress is invited to the practical suggestions and recommendations made in his report by the Postmaster-General.

No important question has occurred during the last year in our accustomed cordial and friendly intercourse with Costa Rica, Guatemala, Honduras, San Salvador, France, Austria, Belgium, Switzerland, Portugal, the Netherlands, Denmark, Sweden and Norway, Rome, Greece, Turkey, Persia, Egypt, Liberia, Morocco, Tripoli, Tunis, Muscat, Siam, Borneo, and Madagascar.

Cordial relations have also been maintained with the Argentine and the Oriental Republics. The expressed wish of Congress that our national good offices might be tendered to those Republics, and also to Brazil and Paraguay, for bringing to an end the calamitous war which has so long been raging in the valley of the La Plata, has been assiduously complied with and kindly acknowledged by all the belligerents. That important negotiation, however, has thus far been without result.

Charles A. Washburn, late United States minister to Paraguay, having resigned, and being desirous to return to the United States, the rear-admiral commanding the South Atlantic Squadron was early directed to send a ship of war to Asuncion, the capital of Paraguay, to receive Mr. Washburn and his family and remove them from a situation which was represented to be endangered by faction and foreign war. The Brazilian commander of the allied invading forces refused permission to the *Wasp* to pass through the blockading forces, and that vessel returned to its accustomed anchorage. Remonstrance having been made against this refusal, it was promptly overruled, and the *Wasp* therefore resumed her errand, received Mr. Washburn and his family, and conveyed them to a safe and convenient seaport. In the meantime an excited controversy had arisen between the President of Paraguay and the late United States minister, which, it is understood, grew out of his proceedings in giving asylum in the United States legation to alleged enemies of that Republic. The question of the right to give asylum is one always difficult and often productive of great embarrassment. In states well organized and established, foreign powers refuse either to concede or exercise that right, except as to persons actually belonging to the diplomatic service. On the other hand, all such powers insist upon exercising the right of asylum in states where the law of nations is not fully acknowledged, respected, and obeyed.

The President of Paraguay is understood to have opposed to Mr. Washburn's proceedings the injurious and very improbable charge of personal complicity in insurrection and treason. The correspondence, however, has not yet reached the United States.

Mr. Washburn, in connection with this controversy, represents that two United States citizens attached to the legation were arbitrarily seized at his side, when leaving the capital of Paraguay, committed to prison, and there subjected to torture for the purpose of procuring confessions of their own criminality and testimony to support the President's allegations against the United States minister. Mr. McMahon, the newly appointed minister to Paraguay, having reached the La Plata, has been instructed to proceed without delay to Asuncion, there to investigate the whole subject. The rear-admiral commanding the United States South Atlantic Squadron has been directed to attend the new minister with a proper naval force to sustain such just demands as the occasion may require, and to vindicate the rights of the United States citizens referred to and of any others who may be exposed to danger in the theater of war. With these exceptions, friendly relations have been maintained between the United States and Brazil and Paraguay.

Our relations during the past year with Bolivia, Ecuador, Peru, and Chile have become especially friendly and cordial. Spain and the Republics of Peru, Bolivia, and Ecuador have expressed their willingness to accept the mediation of the United States for terminating the war upon the South Pacific coast. Chile has not finally declared upon the question. In the meantime the conflict has practically exhausted itself, since no belligerent or hostile movement has been made by either party during the last two years, and there are no indications of a present purpose to resume hostilities on either side. Great Britain and France have cordially seconded our proposition of mediation, and I do not forego the hope that it may soon be accepted by all the belligerents and lead to a secure establishment of peace and friendly relations between the Spanish American Republics of the Pacific and Spain—a result which would be attended with common benefits to the belligerents and much advantage to all commercial nations. I communicate, for the consideration of Congress, a correspondence which shows that the Bolivian Republic has established the extremely liberal principle of receiving into its citizenship any citizen of the United States, or of any other of the American Republics, upon the simple condition of voluntary registry.

The correspondence herewith submitted will be found painfully replete with accounts of the ruin and wretchedness produced by recent earthquakes, of unparalleled severity, in the Republics of Peru, Ecuador, and Bolivia. The diplomatic agents and naval officers of the United States who were present in those countries at the time of those disasters furnished all the relief in their power to the sufferers, and were promptly rewarded with grateful and touching acknowledgments by the Congress of Peru. An appeal to the charity of our fellow-citizens has been answered by much liberality. In this connection I submit an appeal which has been made by the Swiss Republic, whose Government and institutions are kindred to our own, in behalf of its inhabitants, who are suffering extreme destitution, produced by recent devastating inundations.

Our relations with Mexico during the year have been marked by an increasing growth of mutual confidence. The Mexican Government has not yet acted upon the three treaties celebrated here last summer for establishing the rights of naturalized citizens upon a liberal and just basis, for regulating consular powers, and for the adjustment of mutual claims.

All commercial nations, as well as all friends of republican institutions, have occasion to regret the frequent local disturbances which occur in some of the constituent States of Colombia. Nothing has occurred, however, to affect the harmony and cordial friendship which have for several years existed between that youthful and vigorous Republic and our own.

Negotiations are pending with a view to the survey and construction of a ship canal across the Isthmus of Darien, under the auspices of the United States. I hope to be able to submit the results of that negotiation to the Senate during its present session.

The very liberal treaty which was entered into last year by the United States and Nicaragua has been ratified by the latter Republic.

Costa Rica, with the earnestness of a sincerely friendly neighbor, solicits a reciprocity of trade, which I commend to the consideration of Congress.

The convention created by treaty between the United States and Venezuela in July, 1865, for the mutual adjustment of claims, has been held, and its decisions have been received at the Department of State. The heretofore-recognized Government of the United States of Venezuela has been subverted. A provisional government having been instituted under circumstances which promise durability, it has been formally recognized.

I have been reluctantly obliged to ask explanation and satisfaction for national injuries committed by the President of Hayti. The political and social condition of the Republics of Hayti and St. Domingo is very unsatisfactory and painful. The abolition of slavery, which has been carried into effect throughout the island of St. Domingo and the entire West Indies, except the Spanish islands of Cuba and Porto Rico, has been followed by a profound popular conviction of the rightfulness of republican institutions and an intense desire to secure them. The attempt, however, to establish republics there encounters many obstacles, most of which may be supposed to result from long-indulged habits of colonial supineness and dependence upon European monarchical powers. While the United States have on all occasions professed a decided unwillingness that any part of this continent or of its adjacent islands shall be made a theater for a new establishment of monarchical power, too little has been done by us, on the other hand, to attach the communities by which we are surrounded to our own country, or to lend even a moral support to the efforts they are so resolutely and so constantly making to secure republican institutions for themselves. It is indeed a question of grave consideration whether our recent and present example is not calculated to check the growth and expansion of free principles, and make those communities distrust, if not dread, a government which at will consigns to military domination States that are integral parts of our Federal Union, and, while ready to resist any attempts by other nations to extend to this hemisphere the monarchical institutions of Europe, assumes to establish over a large portion of its people a rule more absolute, harsh, and tyrannical than any known to civilized powers.

The acquisition of Alaska was made with the view of extending national jurisdiction and republican principles in the American hemisphere. Believing that a further step could be taken in the same direction, I last year entered into a treaty with the King of Denmark for the purchase of the islands of St. Thomas and St. John, on the best terms then attainable, and with the express consent of the people of those islands. This treaty still remains under consideration in the Senate. A new convention has been entered into with Denmark, enlarging the time fixed for final ratification of the original treaty.

Comprehensive national policy would seem to sanction the acquisition and incorporation into our Federal Union of the several adjacent continental and insular communities as speedily as it can be done peacefully, lawfully, and without any violation of national justice, faith, or honor. Foreign possession or control of those communities has hitherto hindered the growth and impaired the influence of the United States. Chronic revolution and anarchy there would be equally injurious. Each one of them, when firmly established as an independent republic, or when incorporated into the United States, would be a new source of strength and power. Conforming my Administration to these principles, I have on no occasion lent support or toleration to unlawful expeditions set on foot upon the plea of republican propagandism or of national extension or aggrandizement. The necessity, however, of repressing such unlawful movements clearly indicates the duty which rests upon us of adapting our legislative action to the new circumstances of a decline of European monarchical power and influence and the increase of American republican ideas, interests, and sympathies.

It can not be long before it will become necessary for this Government to lend some effective aid to the solution of the political and social problems which are continually kept before the world by the two Republics of the island of St. Domingo, and which are now disclosing themselves more distinctly than heretofore in the island of Cuba. The subject is commended to your consideration with all the more earnestness because I am satisfied that the time has arrived when even so direct a proceeding as a proposition for an annexation of the two Republics of the island of St. Domingo would not only receive the consent of the people interested, but would also give satisfaction to all other foreign nations.

I am aware that upon the question of further extending our possessions it is apprehended by some that our political system can not successfully be applied to an area more extended than our continent; but the conviction is rapidly gaining ground in the American mind that with the increased facilities for intercommunication between all portions of the earth the principles of free government, as embraced in our Constitution, if faithfully maintained and carried out, would prove of sufficient strength and breadth to comprehend within their sphere and influence the civilized nations of the world.

The attention of the Senate and of Congress is again respectfully invited to the treaty for the establishment of commercial reciprocity with the Hawaiian Kingdom entered into last year, and already ratified by that Government. The attitude of the United States toward these islands is not very different from that in which they stand toward the West Indies. It is known and felt by the Hawaiian Government and people that their Government and institutions are feeble and precarious; that the United States, being so near a neighbor, would be unwilling to see the islands pass under foreign control. Their prosperity is continually disturbed by expectations and alarms of unfriendly political proceedings, as well from the United States as from other foreign powers. A reciprocity treaty, while it could not materially diminish the revenues of the United States, would be a guaranty of the good will and forbearance of all nations until the people of the islands shall of themselves, at no distant day, voluntarily apply for admission into the Union.

The Emperor of Russia has acceded to the treaty negotiated here in January last for the security of trade-marks in the interest of manufacturers and commerce. I have invited his attention to the importance of establishing, now while it seems easy and practicable, a fair and equal regulation of the vast fisheries belonging to the two nations in the waters of the North Pacific Ocean.

The two treaties between the United States and Italy for the regulation of consular powers and the extradition of criminals, negotiated and ratified here during the last session of Congress, have been accepted and confirmed by the Italian Government. A liberal consular convention which has been negotiated with Belgium will be submitted to the Senate. The very important treaties which were negotiated between the United States and North Germany and Bavaria for the regulation of the rights of naturalized citizens have been duly ratified and exchanged, and similar treaties have been entered into with the Kingdoms of Belgium and Wurtemberg and with the Grand Duchies of Baden and Hesse-Darmstadt. I hope soon to be able to submit equally satisfactory conventions of the same character now in the course of negotiation with the respective Governments of Spain, Italy, and the Ottoman Empire.

Examination of claims against the United States by the Hudsons Bay Company and the Puget Sound Agricultural Company, on account of certain possessory rights in the State of Oregon and Territory of Washington, alleged by those companies in virtue of provisions of the treaty between the United States and Great Britain of June 15, 1846, has been diligently prosecuted, under the direction of the joint international commission to which they were submitted for adjudication by treaty between the two Governments of July 1, 1863, and will, it is expected, be concluded at an early day.

No practical regulation concerning colonial trade and the fisheries can be accomplished by treaty between the United States and Great Britain until Congress shall have expressed their judgment concerning the principles involved. Three other questions, however, between the United States and Great Britain remain open for adjustment. These are the mutual rights of naturalized citizens, the boundary question involving the title to the island of San Juan, on the Pacific coast, and mutual claims arising since the year 1853 of the citizens and subjects of the two countries for injuries and depredations committed under the authority of their respective Governments. Negotiations upon these subjects are pending, and I am not without hope of being able to lay before the Senate, for its consideration during the present session, protocols calculated to bring to an end these justly exciting and long-existing controversies.

We are not advised of the action of the Chinese Government upon the liberal and auspicious treaty which was recently celebrated with its plenipotentiaries at this capital.

Japan remains a theater of civil war, marked by religious incidents and political severities peculiar to that long-isolated Empire. The Executive has hitherto maintained strict neutrality among the belligerents, and acknowledges with pleasure that it has been frankly and fully sustained in that course by the enlightened concurrence and cooperation of the other treaty powers, namely Great Britain, France, the Netherlands, North Germany, and Italy.

Spain having recently undergone a revolution marked by extraordinary unanimity and preservation of order, the provisional government established at Madrid has been recognized, and the friendly intercourse which has so long happily existed between the two countries remains unchanged.

I renew the recommendation contained in my communication to Congress dated the 18th July last—a copy of which accompanies this message—that the judgment of the people should be taken on the propriety of so amending the Federal Constitution that it shall provide—

First. For an election of President and Vice-President by a direct vote of the people, instead of through the agency of electors, and making them ineligible for reelection to a second term.

Second. For a distinct designation of the person who shall discharge the duties of President in the event of a vacancy in that office by the death, resignation, or removal of both the President and Vice-President.

Third. For the election of Senators of the United States directly by the people of the several States, instead of by the legislatures; and

Fourth. For the limitation to a period of years of the terms of Federal judges.

Profoundly impressed with the propriety of making these important modifications in the Constitution, I respectfully submit them for the early and mature consideration of Congress. We should, as far as possible, remove all pretext for violations of the organic law, by remedying such imperfections as time and experience may develop, ever remembering that "the constitution which at any time exists until changed by an explicit and authentic act of the whole people is sacredly obligatory upon all."

In the performance of a duty imposed upon me by the Constitution, I have thus communicated to Congress information of the state of the Union and recommended for their consideration such measures as have seemed to me necessary and expedient. If carried into effect, they will hasten the accomplishment of the great and beneficent purposes for which the Constitution was ordained, and which it comprehensively states were "to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." In Congress are vested all legislative powers, and upon them devolves the responsibility as well for framing unwise and excessive laws as for neglecting to devise and adopt measures absolutely demanded by the wants of the country. Let us earnestly hope that before the expiration of our respective terms of service, now rapidly drawing to a close, an all-wise Providence will so guide our counsels as to strengthen and preserve the Federal Union, inspire reverence for the Constitution, restore prosperity and happiness to our whole people, and promote "on earth peace, good will toward men."

ANDREW JOHNSON.

SPECIAL MESSAGES.

WASHINGTON, *December 8, 1868.*

To the Senate and House of Representatives:

I transmit a copy of a note of the 24th of November last addressed to the Secretary of State by the minister of Great Britain, communicating a decree of the district court of the United States for the southern district of New York ordering the payment of certain sums to the defendants in a suit against the English schooner *Sibyl*, libeled as a prize of war. It is requisite for the fulfillment of the decree that an appropriation of the sums specified therein should be made by Congress. The appropriation is recommended accordingly.

ANDREW JOHNSON.

WASHINGTON, *December 11, 1868.*

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives of the 7th instant, relating to the correspondence with the American minister at London concerning the so-called *Alabama* claims, I transmit a report on the subject from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *December 16, 1868.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 14th December instant, I transmit the accompanying report* of the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *December 16, 1868.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 14th instant, requesting the correspondence which has taken place between the United States minister at Brazil and Rear-Admiral Davis touching the disposition of the American squadron at Rio Janeiro and the Paraguay difficulties, I transmit a report of the Secretary of State upon that subject.

ANDREW JOHNSON.

WASHINGTON, *December 16, 1868.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, concerning recent transactions in the region of the La Plata affecting the political relations of the United States with Paraguay, the Argentine Republic, Uruguay, and Brazil, I transmit a report of the Secretary of State, which is accompanied by a copy of the papers called for by the resolution.

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*Relating to the sending of a commissioner from the United States to Spain.

ANDREW JOHNSON.

WASHINGTON, *December 18, 1868.*

To the House of Representatives:

I herewith communicate a report of the Secretary of the Interior, in answer to a resolution adopted by the House of Representatives on the 16th instant, making inquiries in reference to the Union Pacific Railroad and requesting the transmission of the report of the special commissioners appointed to examine the construction and equipment of the road.

ANDREW JOHNSON.

WASHINGTON, *January 4, 1869.*

To the Senate of the United States:

I transmit to the Senate, in compliance with the request contained in its resolution of the 15th ultimo, a report from the Secretary of State, communicating information in regard to the action of the mixed commission for the adjustment of claims by citizens of the United States against the Government of Venezuela.

ANDREW JOHNSON.

WASHINGTON, *January 4, 1869.*

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, with accompanying papers, in relation to the resolution of Congress approved July 20, 1867, "declaring sympathy with the suffering people of Crete."

ANDREW JOHNSON.

[The same message was sent to the Senate.]

WASHINGTON, *January 4, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article to the convention of the 24th of October, 1867, between the United States and His Majesty the King of Denmark.

ANDREW JOHNSON.

WASHINGTON, *January 5, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Hawaiian Majesty, signed in this city on the 28th day of July last, stipulating for an extension of the period for the exchange of the ratifications of the convention between the same parties on the subject of commercial reciprocity.

ANDREW JOHNSON.

WASHINGTON, *January 7, 1869.*

To the House of Representatives:

I transmit herewith, in answer to a resolution of the House of Representatives of the 16th of December last, a report[*] from the Secretary of State of the 6th instant.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 8, 1869.*

To the Senate and House of Representatives:

In conformity with the requirements of the sixth section of the act of the 22d of June, 1860, to carry into effect provisions of the treaty with China and certain other Oriental nations, I transmit to Congress a copy of eight rules agreed upon between the Chinese Imperial Government and the minister of the United States and those of other foreign powers accredited to that Government, for conducting the proceedings of the joint tribunal in cases of confiscation and fines for breaches of the revenue laws of that Empire. These rules, which are accompanied by correspondence between our minister and Secretary of State on the subject, are commended to the consideration of Congress with a view to their approval.

ANDREW JOHNSON.

WASHINGTON, *January 8, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 17th ultimo, a report[†] from the Secretary of State, with an accompanying paper.

ANDREW JOHNSON.

WASHINGTON, *January 11, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Belgium upon the subject of naturalization, which was signed at Brussels on the 16th of November last.

ANDREW JOHNSON.

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[*] Giving reasons why reductions in the number of officers and employees and in the salaries and expenses of the Department of State should not be made.

[†] Relating to the exercise or claim by United States consuls in Japan of judicial powers in cases arising between American citizens and citizens or subjects of any foreign nation other than Japan, etc.

WASHINGTON, *January 11, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Belgium concerning the rights, privileges, and immunities of consuls in the two countries, signed at Brussels on the 5th ultimo.

ANDREW JOHNSON.

WASHINGTON, *January 11, 1869.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article of the treaty of commerce and navigation between the United States and Belgium of the 17th of July, 1858, which was signed at Brussels on the 20th ultimo.

ANDREW JOHNSON.

WASHINGTON, *January 12, 1869.*

To the Senate of the United States:

I transmit a copy of a convention between the United States and Peru, signed at Lima on the 4th of last month, stipulating for a mixed commission for the adjustment of claims of citizens of the two countries. An extract from that part of the dispatch of the minister of the United States at Lima which accompanied the copy referred to, and which relates to it, is also transmitted. It will be seen from this extract that it is desirable that the decision of the Senate upon the instrument should be given as early as may be convenient. It is consequently recommended for consideration with a view to ratification.

ANDREW JOHNSON.

WASHINGTON, D. C.,
January 13, 1869.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded at Washington, D. C., August 13, 1868, between the United States and the Nez Perce tribe of Indians, which treaty is supplemental to and amendatory of the treaty concluded with said tribe June 9, 1863. A communication from the Secretary of the Interior of the 12th instant, inclosing a copy of a report of the Commissioner of Indian Affairs of the 11th instant, is also herewith transmitted.*

ANDREW JOHNSON.

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*NOTE BY THE EXECUTIVE CLERK OF THE SENATE.—"The communication from the Secretary of the Interior and this report of the Commissioner of Indian Affairs did not accompany the above communication from the President."

WASHINGTON, *January 14, 1869.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, together with the original papers accompanying the same, submitted in compliance with the resolution of the Senate of the 5th instant, requesting such information as is furnished by the files of the War Department in relation to the erection of fortifications at Lawrence, Kans., in 1864 and 1865.

ANDREW JOHNSON.

WASHINGTON, *January 15, 1869.*

To the Senate of the United States:

I transmit, for the opinion of the Senate as to the expediency of concluding a convention based thereupon, a protocol, signed at London on the 9th of October last, for regulating the citizenship of citizens of the United States who have emigrated or who may emigrate from the United States to the British dominions, and of British subjects who have emigrated or who may emigrate from the British dominions to the United States of America.

ANDREW JOHNSON.

WASHINGTON, *January 15, 1869.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, a copy of a treaty between the United States and Great Britain, signed yesterday at London, providing for the reference to an arbiter of the question of difference between the United States and Great Britain concerning the northwest line of water boundary between the United States and the British possessions in North America. It is expected that the original of the convention will be forwarded by the steamer which leaves Liverpool to-morrow. Circumstances, however, to which it is unnecessary to advert, in my judgment make it advisable to communicate to the Senate the copy referred to in advance of the arrival of the original instrument.

ANDREW JOHNSON.

WASHINGTON, *January 15, 1869.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view of its ratification, a copy of a convention between the United States and Great Britain, signed yesterday at London, providing for the adjustment of all outstanding claims of the citizens and subjects of the parties, respectively. It is expected that the original of the convention will be forwarded by the steamer which leaves Liverpool to-morrow. Circumstances, however, to which it is unnecessary to advert, in my judgment make it advisable to communicate to the Senate the copy referred to in advance of the arrival of the original instrument.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 18, 1869.*

To the Senate of the United States:

The resolution adopted on the 5th instant, requesting the President "to transmit to the Senate a copy of any proclamation of amnesty made by him since the last adjournment of Congress, and also to communicate to the Senate by what authority of law the same was made," has been received.

I accordingly transmit herewith a copy of a proclamation dated the 25th day of December last. The authority of law by which it was made is set forth in the proclamation itself, which expressly affirms that it was issued "by virtue of the power and authority in me vested by the Constitution, and in the name of the sovereign people of the United States," and proclaims and declares "unconditionally and without reservation, to all and to every person who, directly or indirectly, participated in the late insurrection or rebellion, a full pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late civil war, with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof."

The Federal Constitution is understood to be and is regarded by the Executive as the supreme law of the land. The second section of article second of that instrument provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." The proclamation of the 25th ultimo is in strict accordance with the judicial expositions of the authority thus conferred upon the Executive, and, as will be seen by reference to the accompanying papers, is in conformity with the precedent established by Washington in 1795, and followed by President Adams in 1800, Madison in 1815, and Lincoln in 1863, and by the present Executive in 1865, 1867, and 1868.

ANDREW JOHNSON.

WASHINGTON, *January 20, 1869.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, made in compliance with the resolution of the Senate of the 19th ultimo, requesting information in reference to the payment of rent for the use of the building known as the Libby Prison, in the city of Richmond, Va.

ANDREW JOHNSON.

WASHINGTON, *January 22, 1869*.

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article to the convention between the United States and His Majesty the King of Italy for regulating the jurisdiction of consuls.

ANDREW JOHNSON.

WASHINGTON, *January 22, 1869*.

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, an additional article to the convention between the United States and His Majesty the King of Italy for the mutual extradition of criminals fugitives from justice.

ANDREW JOHNSON.

EXECUTIVE MANSION, *January 23, 1869*.

To the Senate of the United States:

I herewith lay before the Senate, for the constitutional action of that body, a treaty concluded at the council house on the Cattaraugus Reservation, in Erie County, N. Y., on the 4th day of December, 1868, by Walter R. Irwin, commissioner on the part of the United States, and the duly authorized representatives of the several tribes and bands of Indians residing in the State of New York. A copy of a letter from the Secretary of the Interior, dated the 22d instant, and the papers therein referred to, in relation to the treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *January 26, 1869*.

To the Senate and House of Representatives:

I transmit for the consideration of Congress, in conformity with the requirements of the sixth section of the act of the 22d of June, 1860, a copy of certain regulations for the consular courts in China, prohibiting steamers sailing under the flag of the United States from using or passing through the Straw Shoe Channel on the river Yangtse, decreed by S. Wells Williams, chargé d'affaires, on the 1st of June, and promulgated by George F. Seward, consul-general at Shanghai, on the 25th of July, 1868, with the assent of five of the United States consuls in China, G. H. Colton Salter dissenting. His objections to the regulations are set forth in the accompanying copy of a communication of the 10th of October last, inclosed in Consul-General Seward's dispatch of the 14th of the same month to the Secretary of State, a copy of which is also transmitted.

ANDREW JOHNSON.

WASHINGTON, D. C., *January 26, 1869*.

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, with accompanying documents, in relation to the gold medal presented to Mr. George Peabody pursuant to the resolution of Congress of March 16, 1867.

ANDREW JOHNSON.

WASHINGTON, *January 27, 1869*.

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 23d instant, the accompanying report* from the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *January 27, 1869*.

To the Senate of the United States:

I transmit herewith a communication from the Secretary of War, upon the subject of the resolution of the Senate of the 21st instant, requesting a copy of the report of Brevet Major-General William S. Harney upon the Sioux and other Indians congregated under treaties made with them by the special peace commission.

ANDREW JOHNSON.

WASHINGTON, *January 29, 1869*.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in answer to a resolution of the House of Representatives without date, received at the Executive Mansion on the 10th of December, calling for correspondence in relation to the cases of Messrs. Costello and Warren, naturalized citizens of the United States imprisoned in Great Britain, a report from the Secretary of State and the papers to which it refers.

ANDREW JOHNSON.

EXECUTIVE MANSION, *January 29, 1869*.

To the Senate of the United States:

I herewith lay before the Senate, for its consideration in connection with the treaty with the New York Indians concluded November 4, 1868, which is now before that body for its constitutional action, an additional article of said treaty as an amendment.

A communication, dated the 28th instant, from the Secretary of the Interior, and a copy of a report of the Commissioner of Indian Affairs, explaining the object of the amendment, are also herewith transmitted.

ANDREW JOHNSON.

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*Relating to buildings occupied in Washington by Departments of the Government.

WASHINGTON, *February 1, 1869.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 16th of December last, in relation to the arrest of American citizens in Paraguay, I transmit a report of the Secretarv of State.

ANDREW JOHNSON.

WASHINGTON, *February 1, 1869.*

To the Senate of the United States:

In further answer to the resolution of the Senate of the 8th of December last, concerning recent transactions in the region of the La Plata affecting the political relations of the United States with Paraguay, the Argentine Republic, Uruguay, and Brazil, I transmit a report from the Secretary of State.

ANDREW JOHNSON.

EXECUTIVE MANSION, *February 2, 1869.*

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, two treaties made by the commissioners appointed under the act of Congress of 20th July, 1867, to establish peace with certain hostile tribes, viz:

A treaty concluded at Fort Laramie, Dakota Territory, on the 29th April, 1868, with various bands of the Sioux or Dakota Nation of Indians.

A treaty concluded at Fort Bridger, Utah Territory, on the 3d day of July, 1868, with the Shoshone (eastern band) and Bannock Indians.

A communication from the Secretary of the Interior, dated the 2d instant, inclosing a copy of a letter to him from the Commissioner of Indian Affairs of the 28th ultimo, together with the correspondence therein referred to, relating to said treaties, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *February 3, 1869.*

To the Senate and House of Representatives:

I transmit, for the consideration of Congress, a report from the Secretary of State, and the papers which accompany it, in relation to the encroachments of agents of the Hudsons Bay Company upon the trade and territory of Alaska.

ANDREW JOHNSON.

EXECUTIVE MANSION, *February 4, 1869.*

To the Senate of the United States:

I herewith lay before the Senate, for the constitutional action of that body thereon, the following treaties, concluded with various bands and tribes of Indians by William I. Cullen, special agent for Indians in Montana, viz:

Treaty concluded at Fort Hawley on the 13th July, 1868, with the Gros Ventres.

Treaty concluded at Fort Hawley on the 15th July, 1868, with the River Crow Indians.

Treaty concluded at Fort Benton September 1, 1868, with the Blackfeet Nation (composed of the tribe of that name and the Blood and Piegan tribes).

Treaty with the mixed bands of Shoshones, Bannocks, and Sheepeaters, concluded at Virginia City September 24, 1868.

A letter of the Secretary of the Interior, dated the 3d instant, and the report of the Commissioner of Indian Affairs, dated the 2d instant, explaining the provisions of the several treaties and suggesting an amendment of some of them, and submitting maps and papers connected with said treaties, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *February 4, 1869.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 23d January ultimo, I transmit a report* of the Secretary of State, which is accompanied by a copy of the correspondence called for by the resolution.

ANDREW JOHNSON.

WASHINGTON, *February 8, 1869.*

To the Senate of the United States:

Referring to my communications of the 16th of December, 1868, and of the 1st of February instant, addressed to the Senate in answer to the resolution of that body of the 8th of December last, concerning recent transactions in the region of the La Plata, I transmit a report of the Secretary of State and the papers which accompany it.

ANDREW JOHNSON.

WASHINGTON, *February 9, 1869.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 13th ultimo, requesting information as to expenditures by the northwestern boundary commission, I transmit a report from the Secretary of State on the subject, and the papers which accompanied it.

ANDREW JOHNSON.

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*Relating to the claim of William T. Harris, a United States citizen, to property withheld by the Brazilian Government.

EXECUTIVE MANSION, *February 9, 1869*.

To the Senate of the United States:

I herewith lay before the Senate, for the constitutional action of that body thereon, a treaty concluded on the 2d day of September, 1868, between the United States and the Creek Nation of Indians by their duly authorized delegates.

A letter from the Secretary of the Interior, dated the 8th instant, and a report of the Commissioner of Indian Affairs, dated the 6th instant, in relation to said treaty, are also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *February 11, 1869*.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 21st ultimo, a report from the Secretary of State, with accompanying papers, in relation to the establishment of the Robert College at Constantinople.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 13, 1869*.

To the Senate of the United States:

I herewith lay before the Senate, for their action thereon, a mutual relinquishment of the agreement between the Ottawa and Chippewa Indians of Kansas, which agreement is appended to a treaty now before the Senate between the United States and the Swan Creek and Black River Chippewas and the Munsee or Christian Indians, concluded on the 1st of June, 1868.

A letter of the Secretary of the Interior of the 11th instant, together with the papers therein referred to, is also herewith transmitted.

ANDREW JOHNSON.

WASHINGTON, *February 15, 1869*.

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States of America and the United States of Colombia for facilitating and securing the construction of a ship canal between the Atlantic and Pacific oceans through the continental isthmus lying without the jurisdiction of the United States of Colombia, which instrument was signed at Bogota on the 14th instant.

ANDREW JOHNSON.

EXECUTIVE MANSION, *February 17, 1869*.

To the Senate of the United States:

I herewith lay before the Senate, for its constitutional action thereon, a treaty concluded on the 11th instant, in the city of Washington, between the United States and the Sac and Fox Indians of the Missouri and the Iowa tribe of Indians. A letter of the Secretary of the Interior of the 16th instant, together with the letters therein referred to, accompany the treaty. For reasons stated in the accompanying communications, I request to withdraw from the Senate a treaty with the Sac and Fox Indians of the Missouri, concluded February 19, 1867, now pending before that body.

ANDREW JOHNSON.

WASHINGTON, *February 17, 1869.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, with accompanying documents, in relation to the gold medal presented to Mr. Cyrus W. Field pursuant to the resolution of Congress of March 2, 1867.

ANDREW JOHNSON.

EXECUTIVE MANSION,
February 17, 1869.

To the Senate of the United States:

I herewith present, for the consideration of the Senate in connection with the treaty with the Brulé and other bands of Sioux Indians now pending before that body, a communication from the Secretary of the Interior, dated the 16th instant, and accompanying letters from the Commissioner of Indian Affairs and P. H. Conger, United States Indian agent for the Yankton Sioux, requesting that the benefits of said treaty may be extended to the Yankton Sioux and all the bands and individuals of the Dakota Sioux.

ANDREW JOHNSON.

WASHINGTON, *February 17, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 19th ultimo, relating to fisheries, a report from the Secretary of State and the documents which accompanied it.

ANDREW JOHNSON.

WASHINGTON, D. C.,
February 18, 1869.

To the Senate of the United States:

I transmit to the Senate, for its constitutional action, a treaty concluded on the 13th instant between the United States and the Otoe and Missouria tribe of Indians, together with the accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *February 19, 1869.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a correspondence which has taken place between the Secretary of State and the minister of the United States at Paris, in relation to the use of passports by citizens of the United States in France.

ANDREW JOHNSON.

WASHINGTON, *February 20, 1869.*

To the House of Representatives:

I transmit an additional report from the Secretary of State, representing that Messrs. Costello and Warren, citizens of the United States imprisoned in Ireland, have been released.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 23, 1869.*

To the Senate of the United States:

I transmit herewith a report from the Secretary of the Treasury, on the subject of the resolution of the Senate of the 13th January last, requesting "that the President direct the Secretary of the Treasury to detail an officer to select from the public lands such permanent points upon the coast of Oregon, Washington Territory, and Alaska as in his judgment may be necessary for light-house purposes, in view of the future commercial necessity of the Pacific Coast, and to reserve the same for exclusive use of the United States."

ANDREW JOHNSON.

WASHINGTON, *February 23, 1869.*

To the Senate and House of Representatives:

Referring to my communication to Congress of the 26th ultimo, concerning a decree made by the United States chargé d'affaires in China, on 1st of June last, prohibiting steamers sailing under the flag of the United States from using or passing through the Straw Shoe Channel on the Yangtse River, I now transmit a copy of a dispatch of the 22d of August last, No. 25, from S. Wells Williams, esq., and of such of the papers accompanying it as were not contained in my former communication. I also transmit a copy of the reply of the 6th instant made by the Secretary of State to the above-named dispatch.

ANDREW JOHNSON.

WASHINGTON, *February 24, 1869.*

To the Senate and House of Representatives:

I transmit to Congress a copy of a convention between the United States and the Mexican Republic, providing for the adjustment of the claims of citizens of either country against the other, signed on the 4th day of July last, and the ratifications of which were exchanged on the 1st instant.

It is recommended that such legislation as may be necessary to carry this convention into effect shall receive early consideration.

ANDREW JOHNSON.

WASHINGTON, *March 1, 1869.*

To the Senate of the United States:

In compliance with the request of the Senate of the 27th ultimo, I return herewith their resolution of the 26th February, calling for a statement of internal-revenue stamps issued by the Government since the passage of the act approved July 1, 1862.

ANDREW JOHNSON.

VETO MESSAGES.

WASHINGTON, D. C., *February 13, 1869.*

To the Senate of the United States:

The bill entitled "An act transferring the duties of trustees of colored schools of Washington and Georgetown" is herewith returned to the Senate, in which House it originated, without my approval.

The accompanying paper exhibits the fact that the legislation which the bill proposes is contrary to the wishes of the colored residents of Washington and Georgetown, and that they prefer that the schools for their children should be under the management of trustees selected by the Secretary of the Interior, whose term of office is for four years, rather than subject to the control of bodies whose tenure of office, depending merely upon political considerations, may be annually affected by the elections which take place in the two cities.

The colored people of Washington and Georgetown are at present not represented by a person of their own race in either of the boards of trustees of public schools appointed by the municipal authorities. Of the three trustees, however, who, under the act of July 11, 1862, compose the board of trustees of the schools for colored children, two are persons of color. The resolutions transmitted herewith show that they have performed their trust in a manner entirely satisfactory to the colored people of the two cities, and no good reason is known to the Executive why the duties which now devolve upon them should be transferred as proposed in the bill.

With these brief suggestions the bill is respectfully returned, and the consideration of Congress invited to the accompanying preamble and resolutions.

ANDREW JOHNSON.

WASHINGTON, D. C., *February 22, 1869.*

To the House of Representatives:

The accompanying bill, entitled "An act regulating the duties on imported copper and copper ores," is, for the following reasons, returned, without my approval, to the House of Representatives, in which branch of Congress it originated.

Its immediate effect will be to diminish the public receipts, for the object of the bill can not be accomplished without seriously affecting the importation of copper and copper ores, from which a considerable revenue is at present derived. While thus impairing the resources of the Government, it imposes an additional tax upon an already overburdened people, who should not be further impoverished that monopolies may be fostered and corporations enriched.

It is represented—and the declaration seems to be sustained by evidence—that the duties for which this bill provides are nearly or quite sufficient to prohibit the importation of certain foreign ores of copper. Its enactment, therefore, will prove detrimental to the shipping interests of the nation, and at the same time destroy the business, for many years successfully established, of smelting home ores in connection with a smaller amount of the imported articles. This business, it is credibly asserted, has heretofore yielded the larger share of the copper production of the country, and thus the industry which this legislation is designed to encourage is actually less than that which will be destroyed by the passage of this bill.

It seems also to be evident that the effect of this measure will be to enhance by 70 per cent the cost of blue vitriol—an article extensively used in dyeing and in the manufacture of printed and colored cloths. To produce such an augmentation in the price of this commodity will be to discriminate against other great branches of domestic industry, and by increasing their cost to expose them most unfairly to the effects of foreign competition Legislation can neither be wise nor just which seeks the welfare of a single interest at the expense and to the injury of many and varied interests at least equally important and equally deserving the consideration of Congress. Indeed, it is difficult to find any reason which will justify the interference of Government with any legitimate industry, except so far as may be rendered necessary by the requirements of the revenue. As has already been stated, however, the legislative intervention proposed in the present instance will diminish, not increase, the public receipts.

The enactment of such a law is urged as necessary for the relief of certain mining interests upon Lake Superior, which, it is alleged, are in a greatly depressed condition, and can only be sustained by an enhancement of the price of copper. If this result should follow the passage of the bill, a tax for the exclusive benefit of a single class would be imposed upon the consumers of copper throughout the entire country, not warranted by any need of the Government, and the avails of which would not in any degree find their way into the Treasury of the nation. If the miners of Lake Superior are in a condition of want, it can not be justly affirmed that the Government should extend charity to them in preference to those of its citizens who in other portions of the country suffer in like manner from destitution. Least of all should the endeavor to aid them be based upon a method so uncertain and indirect as that contemplated by the bill, and which, moreover, proposes to continue the exercise of its benefaction through an indefinite period of years. It is, besides, reasonable to hope that positive suffering from want, if it really exists, will prove but temporary in a region where agricultural labor is so much in demand and so well compensated. A careful examination of the subject appears to show that the present low price of copper, which alone has induced any depression the mining interests of Lake Superior may have recently experienced, is due to causes which it is wholly impolitic, if not impracticable, to contravene by legislation. These causes are, in the main, an increase in the general supply of copper, owing to the discovery and working of remarkably productive mines and to a coincident restriction in the consumption and use of copper by the substitution of other and cheaper metals for industrial purposes. It is now sought to resist by artificial means the action of natural laws; to place the people of the United States, in respect to the enjoyment and use of an essential commodity, upon a different basis from other nations, and especially to compensate certain private and sectional interests for the changes and losses which are always incident to industrial progress.

Although providing for an increase of duties, the proposed law does not even come within the range of protection, in the fair acceptation of the term. It does not look to the fostering of a young and feeble interest with a view to the ultimate attainment of strength and the capacity of self-support. It appears to assume that the present inability for successful production is inherent and permanent, and is more likely to increase than to be gradually overcome; yet in spite of this it proposes, by the exercise of the lawmaking power, to sustain that interest and to impose it in hopeless perpetuity as a tax upon the competent and beneficent industries of the country.

The true method for the mining interests of Lake Superior to obtain relief, if relief is needed, is to endeavor to make their great natural resources fully available by reducing the cost of production. Special or class legislation can not remedy the evils which this bill is designed to meet. They can only be overcome by laws which will effect a wise, honest, and economical administration of the Government, a reestablishment of the specie standard of value, and an early adjustment of our system of State, municipal, and national taxation (especially the latter) upon the fundamental principle that all taxes, whether collected under the internal revenue or under a tariff, shall interfere as little as possible with the productive energies of the people.

The bill is therefore returned, in the belief that the true interests of the Government and of the people require that it should not become a law.

ANDREW JOHNSON.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the President of the United States has heretofore set forth several proclamations offering amnesty and pardon to persons who had been or were concerned in the late rebellion against the lawful authority of the Government of the United States, which proclamations were severally issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 29th day of May, 1865, on the 7th day of September, 1867, and on the 4th day of July, in the present year; and

Whereas the authority of the Federal Government having been reestablished in all the States and Territories within the jurisdiction of the United States, it is believed that such prudential reservations and exceptions as at the dates of said several proclamations were deemed necessary and proper may now be wisely and justly relinquished, and that an universal amnesty and pardon for participation in said rebellion extended to all who have borne any part therein will tend to secure permanent peace, order, and prosperity throughout the land, and to renew and fully restore confidence and fraternal feeling among the whole people, and their respect for and attachment to the National Government, designed by its patriotic founders for the general good:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, by virtue of the power and authority in me vested by the Constitution and in the name of the sovereign people of the United States, do hereby proclaim and declare, unconditionally and without reservation, to all and to every person who, directly or indirectly, participated in the late insurrection or rebellion a full pardon and amnesty for the offense of treason against the United States or of adhering to their enemies during the late civil war, with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereunto affixed.

[SEAL.] Done at the city of Washington, the 25th day of December, A. D. 1868, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

F. W. SEWARD,

Acting Secretary of State.

IMPEACHMENT OF ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES.

On the 24th of February, 1868, the House of Representatives of the Congress of the United States resolved to impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors, of which the Senate was apprised, and arrangements were made for the trial. On the 2d and 3d of March articles of impeachment were agreed upon by the House of Representatives, and on the 4th they were presented to the Senate by the managers on the part of the House, Mr. John A. Bingham, Mr. George S. Boutwell, Mr. James F. Wilson, Mr. Benjamin F. Butler, Mr. Thomas Williams, Mr. John A. Logan, and Mr. Thaddeus Stevens, who were accompanied by the House as a Committee of the Whole. The articles are as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
March 2, 1868.

ARTICLES EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN THE NAME OF THEMSELVES AND ALL THE PEOPLE OF THE UNITED STATES, AGAINST ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES, IN MAINTENANCE AND SUPPORT OF THEIR IMPEACHMENT AGAINST HIM FOR HIGH CRIMES AND MISDEMEANORS IN OFFICE.

ARTICLE I. That said Andrew Johnson, President of the United States, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did unlawfully and in violation of the Constitution and laws of the United States issue an order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned, by and with the advice and consent of the Senate of the United States, as such Secretary; and said Andrew Johnson, President of the United States, on the 12th day of August, A. D. 1867, and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office, and within twenty days after the first day of the next meeting of said Senate—that is to say, on the 12th day of December, in the year last aforesaid—having reported to said Senate such suspension, with the evidence and reasons for his action in the case and the name of the person designated to perform the duties of such office temporarily until the next meeting of the Senate; and said Senate thereafterwards, on the 13th day of January, A. D. 1868, having duly considered the evidence and reasons reported by said Andrew Johnson for said suspension, and having refused to concur in said suspension, whereby and by force of the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, said Edwin M. Stanton did forthwith resume the functions of his office, whereof the said Andrew Johnson had then and there due notice; and said Edwin M. Stanton, by reason of the premises, on said 21st day of February, being lawfully entitled to hold said office of Secretary for the Department of War; which said order for the removal of said Edwin M. Stanton is in substance as follows; that is to say:

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

HON. EDWIN M. STANTON,
Washington, D. C.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon the receipt of this communication.

You will transfer to Brevet Major-General Lorenzo Thomas, Adjutant-General of the Army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

Respectfully, yours,

ANDREW JOHNSON.

which order was unlawfully issued with intent then and there to violate the act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, and with the further intent, contrary to the provisions of said act, in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, to remove said Edwin M. Stanton from the office of Secretary for the Department of War, the said Edwin M. Stanton being then and there Secretary for the Department of War, and being then and there in the due and lawful execution and discharge of the duties of said office; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ART. II. That on said 21st day of February, A. D. 1868, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, with intent to violate the

Constitution of the United States and the act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows; that is to say:

> EXECUTIVE MANSION,
> *Washington, D. C., February 21, 1868.*
>
> Brevet Major-General LORENZO THOMAS,
> *Adjutant-General United States Army, Washington, D. C.*
>
> SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.
>
> Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.
>
> Respectfully, yours, ANDREW JOHNSON.

then and there being no vacancy in said office of Secretary for the Department of War; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ART. III. That said Andrew Johnson, President of the United States, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did commit and was guilty of a high misdemeanor in office in this, that without authority of law, while the Senate of the United States was then and there in session, he did appoint one Lorenzo Thomas to be Secretary for the Department of War *ad interim*, without the advice and consent of the Senate, and with intent to violate the Constitution of the United States, no vacancy having happened in said office of Secretary for the Department of War during the recess of the Senate, and no vacancy existing in said office at the time, and which said appointment, so made by said Andrew Johnson, of said Lorenzo Thomas, is in substance as follows; that is to say:

> EXECUTIVE MANSION,
> *Washington, D. C., February 21, 1868.*
>
> Brevet Major-General LORENZO THOMAS,
> *Adjutant-General United States Army, Washington, D. C.*
>
> SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.
>
> Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.
>
> Respectfully, yours, ANDREW JOHNSON.

ART. IV. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and his oath of office, in violation of the Constitution and laws of the United States, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, with intent, by intimidation and threats, unlawfully to hinder and prevent Edwin M. Stanton, then and there the Secretary for the Department of War, duly appointed under the laws of the United States, from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States and of the provisions of an act entitled "An act to define and punish certain conspiracies," approved July 31, 1861; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high crime in office.

ART. V. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the 21st day of February, A. D. 1868, and on divers other days and times in said year before the 2d day of March, A. D. 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, to prevent and hinder the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, and in pursuance of said conspiracy did unlawfully attempt to prevent Edwin M. Stanton, then and there being Secretary for the Department of War, duly appointed and commissioned under the laws of the United States, from holding said office; whereby the said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ART. VI. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas by force to seize, take, and possess the property of the United States in the Department of War, and then and there in the custody and charge of Edwin M. Stanton, Secretary for said Department, contrary to the provisions of an act entitled "An act to define and punish certain conspiracies," approved July 31, 1861, and with intent to violate and disregard an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867; whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

ART. VII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas with intent unlawfully to seize, take, and possess the property of the United States in the Department of War, in the custody and charge of Edwin M. Stanton, Secretary for said Department, with intent to violate and disregard the act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867; whereby said Andrew Johnson, President of the United States, did then and there commit a high misdemeanor in office.

ART. VIII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, with intent unlawfully to control the disbursement of the moneys appropriated for the military service and for the Department of War, on the 21st day of February, A. D. 1868, at Washington, in the District of Columbia, did unlawfully, and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, and in violation of the Constitution of the United States, and without the advice and consent of the Senate of the United States, and while the Senate was then and there in session, there being no vacancy in the office of Secretary for the Department of War, and with intent to violate and disregard the act aforesaid, then and there issue and deliver to one Lorenzo Thomas a letter of authority, in writing, in substance as follows; that is to say:

EXECUTIVE MANSION,
Washington, D. C., February 21, 1868.

Brevet Major-General LORENZO THOMAS,
Adjutant-General United States Army, Washington, D. C.

SIR: The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully, yours, ANDREW JOHNSON.

whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ART. IX. That said Andrew Johnson, President of the United States, on the 22d day of February, A. D. 1868, at Washington, in the District of Columbia, in disregard of the Constitution and the laws of the United States duly enacted, as Commander in Chief of the Army of the United States, did bring before himself then and there William H. Emory, a major-general by brevet in the Army of the United States, actually in command of the Department of Washington and the military forces thereof, and did then and there, as such Commander in Chief, declare to and instruct said Emory that part of a law of the United States, passed March 2, 1867, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes," especially the second section thereof, which provides, among other things, that "all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and in case of his inability through the next in rank," was unconstitutional and in contravention of the commission of said Emory, and which said provision of law had been theretofore duly and legally promulgated by general order for the government and direction of the Army of the United States, as the said Andrew Johnson then and there well knew, with intent thereby to induce said Emory, in his official capacity as commander of the Department of Washington, to violate the provisions of said act and to take and receive, act upon, and obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the Army of the United States, according to the provisions of said act, and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of the act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, and to unlawfully prevent Edwin M. Stanton, then being Secretary for the Department of War, from holding said office and discharging the duties thereof; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles or other accusation or impeachment against the said Andrew Johnson, President of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same, and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, *do demand* that the said Andrew Johnson may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

Attest:

EDWARD McPHERSON,
Clerk of the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
March 3, 1868.

The following additional articles of impeachment were agreed to, viz:

ART. X. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and the dignity and proprieties thereof, and of the harmony and courtesies which ought to exist and be maintained between the executive and legislative branches of the Government of the United States, designing and intending to set aside the rightful authority and powers of Congress, did attempt to bring into disgrace, ridicule, hatred, contempt, and reproach the Congress of the United States and the several branches thereof, to impair and destroy the regard and respect of all the good people of the United States for the Congress and legislative power thereof (which all officers of the Government ought inviolably to preserve and maintain), and to excite the odium and resentment of all the good people of the United States against Congress and the laws by it duly and constitutionally enacted; and, in pursuance of his said design and intent, openly and publicly, and before divers assemblages of the citizens of the United States, convened in divers parts thereof to meet and receive said Andrew Johnson as the Chief Magistrate of the United States, did, on the 18th day of August, A. D. 1866, and on divers other days and times, as well before as afterwards, make and deliver with a loud voice certain intemperate, inflammatory, and scandalous harangues, and did therein utter loud threats and bitter menaces, as well against Congress as the laws of the United States, duly enacted thereby, amid the cries, jeers, and laughter of the multitudes then assembled and in hearing, which are set forth in the several specifications hereinafter written in substance and effect; that is to say:

Specification first.—In this, that at Washington, in the District of Columbia, in the Executive Mansion, to a committee of citizens who called upon the President of the United States, speaking of and concerning the Congress of the United States, said Andrew Johnson, President of the United States, heretofore, to wit, on the 18th day of August, A. D. 1866, did in a loud voice declare in substance and effect, among other things; that is to say:

> So far as the executive department of the Government is concerned, the effort has been made to restore the Union, to heal the breach, to pour oil into the wounds which were consequent upon the struggle, and (to speak in common phrase) to prepare, as the learned and wise physician would, a plaster healing in character and coextensive with the wound. We thought and we think that we had partially succeeded; but as the work progresses, as reconstruction seemed to be taking place and the country was becoming reunited, we found a disturbing and marring element opposing us. In alluding to that element I shall go no further than your convention and the distinguished gentleman who has delivered to me the report of its proceedings. I shall make no reference to it that I do not believe the time and the occasion justify.
>
> We have witnessed in one department of the Government every endeavor to prevent the restoration of peace, harmony, and union. We have seen hanging upon the verge of the Government, as it were, a body called, or which assumes to be, the Congress of the United States, while in fact it is a Congress of only a part of the States. We have seen this Congress pretend to be for the Union, when its every step and act tended to perpetuate disunion and make a disruption of the States inevitable. * * * We have seen Congress gradually encroach, step by step, upon constitutional rights, and violate, day after day and month after month, fundamental principles of the Government. We have seen a Congress that seemed to forget that there was a limit to the sphere and scope of legislation. We have seen a Congress in a minority assume to exercise power which, allowed to be consummated, would result in despotism or monarchy itself.

Specification second.—In this, that at Cleveland, in the State of Ohio, heretofore, to wit, on the 3d day of September, A. D. 1866, before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did in a loud voice declare in substance and effect, among other things; that is to say:

> I will tell you what I did do. I called upon your Congress that is trying to break up the Government.

* * * * * * *

In conclusion, besides that, Congress had taken much pains to poison their constituents against him. But what had Congress done? Have they done anything to restore the Union of these States? No. On the contrary, they have done everything to prevent it. And because he stood now where he did when the rebellion commenced, he had been denounced as a traitor. Who had run greater risks or made greater sacrifices than himself? But Congress, factious and domineering, had undertaken to poison the minds of the American people.

Specification third.—In this, that at St. Louis, in the State of Missouri, heretofore, to wit, on the 8th day of September, A. D. 1866, before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did in a loud voice declare in substance and effect, among other things; that is to say:

Go on. Perhaps if you had a word or two on the subject of New Orleans you might understand more about it than you do. And if you will go back—if you will go back and ascertain the cause of the riot at New Orleans, perhaps you will not be so prompt in calling out "New Orleans." If you will take up the riot at New Orleans and trace it back to its source or its immediate cause, you will find out who was responsible for the blood that was shed there. If you will take up the riot at New Orleans and trace it back to the Radical Congress, you will find that the riot at New Orleans was substantially planned. If you will take up the proceedings in their caucuses, you will understand that they there knew that a convention was to be called which was extinct by its power having expired; that it was said that the intention was that a new government was to be organized, and on the organization of that government the intention was to enfranchise one portion of the population, called the colored population, who had just been emancipated, and at the same time disfranchise white men. When you design to talk about New Orleans, you ought to understand what you are talking about. When you read the speeches that were made and take up the facts on the Friday and Saturday before that convention sat, you will there find that speeches were made, incendiary in their character, exciting that portion of the population—the black population—to arm themselves and prepare for the shedding of blood. You will also find that that convention did assemble, in violation of law, and the intention of that convention was to supersede the reorganized authorities in the State government of Louisiana, which had been recognized by the Government of the United States; and every man engaged in that rebellion in that convention, with the intention of superseding and upturning the civil government which had been recognized by the Government of the United States, I say that he was a traitor to the Constitution of the United States; and hence you find that another rebellion was commenced, *having its origin in the Radical Congress.*

* * * * * * *

So much for the New Orleans riot. And there was the cause and the origin of the blood that was shed; and every drop of blood that was shed is upon their skirts, and they are responsible for it. I could test this thing a little closer, but will not do it here to-night. But when you talk about the causes and consequences that resulted from proceedings of that kind, perhaps, as I have been introduced here, and you have provoked questions of this kind—though it does not provoke me—I will tell you a few wholesome things that have been done by this Radical Congress in connection with New Orleans and the extension of the elective franchise.

I know that I have been traduced and abused. I know it has come in advance of me, here as elsewhere, that I have attempted to exercise an arbitrary power in resisting laws that were intended to be forced upon the Government; that I had exer-

CONGRESSIONAL COMMITTEE TO IMPEACH PRESIDENT JOHNSON

THE IMPEACHMENT OF PRESIDENT JOHNSON

The history of the process of impeachment is recited in the article entitled "Impeachment" in the Encyclopedic Index. The official record of the impeachment trial of Andrew Johnson is contained on pages 3907, 3916, 3918, 3926 and 3951. The photograph shows the Congressional Committee that managed the proceedings. Those seated are Benjamin F. Butler, Thaddeus Stevens, Thomas Williams and John Bingham; standing are James Wilson, George S. Boutwell and John A. Logan.

cised that power; that I had abandoned the party that elected me, and that I was a traitor, because I exercised the veto power in attempting and did arrest for a time a bill that was called a "Freedmen's Bureau" bill; yes, that I was a traitor. And I have been traduced, I have been slandered, I have been maligned, I have been called Judas Iscariot and all that. Now, my countrymen, here to-night, it is very easy to indulge in epithets; it is easy to call a man a Judas and cry out "traitor;" but when he is called upon to give arguments and facts he is very often found wanting. Judas Iscariot--Judas. There was a Judas, and he was one of the twelve apostles. Oh, yes; the twelve apostles had a Christ. The twelve apostles had a Christ, and he never could have had a Judas unless he had had twelve apostles. If I have played the Judas, who has been my Christ that I have played the Judas with? Was it Thad. Stevens? Was it Wendell Phillips? Was it Charles Sumner? These are the men that stop and compare themselves with the Savior, and everybody that differs with them in opinion, and to try to stay and arrest their diabolical and nefarious policy, is to be denounced as a Judas.

* * * * * * *

Well, let me say to you, if you will stand by me in this action, if you will stand by me in trying to give the people a fair chance—soldiers and citizens—to participate in these offices, God being willing I will kick them out. I will kick them out just as fast as I can.

Let me say to you in concluding that what I have said I intended to say. I was not provoked into this, and I care not for their menaces, the taunts and the jeers. I care not for threats. I do not intend to be bullied by my enemies nor overawed by my friends. But, God willing, with your help I will veto their measures whenever any of them come to me.

which said utterances, declarations, threats, and harangues, highly censurable in any, are peculiarly indecent and unbecoming in the Chief Magistrate of the United States, by means whereof said Andrew Johnson has brought the high office of the President of the United States into contempt, ridicule, and disgrace, to the great scandal of all good citizens; whereby said Andrew Johnson, President of the United States, did commit and was then and there guilty of a high misdemeanor in office.

ART. XI. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, and in disregard of the Constitution and laws of the United States, did heretofore, to wit, on the 18th day of August, A. D. 1866, at the city of Washington, in the District of Columbia, by public speech, declare and affirm in substance that the Thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, but, on the contrary, was a Congress of only part of the States; thereby denying and intending to deny that the legislation of said Congress was valid or obligatory upon him, the said Andrew Johnson, except in so far as he saw fit to approve the same, and also thereby denying and intending to deny the power of the said Thirty-ninth Congress to propose amendments to the Constitution of the United States; and in pursuance of said declaration the said Andrew Johnson, President of the United States, afterwards, to wit, on the 21st day of February, A. D. 1868, at the city of Washington, in the District of Columbia, did unlawfully, and in disregard of the requirement of the Constitution that he should take care that the laws be faithfully executed, attempt to prevent the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, by unlawfully devising and contriving, and attempting to devise and contrive, means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of the office of Secretary for the Department of War, notwithstanding the refusal of the Senate to concur in the suspension theretofore made by said Andrew Johnson of said Edwin M. Stanton from said office of Secretary for the Department of War, and also by further unlawfully devising and contriving, and attempting to devise and contrive, means then and there to prevent the execution of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1868 and for other purposes," approved March 2, 1867, and also to prevent the execution of an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867, whereby the said Andrew Johnson, President of the United States, did then, to wit, on the 21st day of February, A. D. 1868, at the city of Washington, commit and was guilty of a high misdemeanor in office.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

Attest:

EDWARD McPHERSON,
Clerk of the House of Representatives.

IN THE SENATE, *March 4, 1868.*

The President *pro tempore* laid before the Senate the following letter from the Hon. Salmon P. Chase, Chief Justice of the Supreme Court of the United States:

WASHINGTON, *March 4, 1868.*

To the Senate of the United States:

Inasmuch as the sole power to try impeachments is vested by the Constitution in the Senate, and it is made the duty of the Chief Justice to preside when the President is on trial, I take the liberty of submitting, very respectfully, some observations in respect to the proper mode of proceeding upon the impeachment which has been preferred by the House of Representatives against the President now in office.

That when the Senate sits for the trial of an impeachment it sits as a court seems unquestionable.

That for the trial of an impeachment of the President this court must be constituted of the members of the Senate, with the Chief Justice presiding, seems equally unquestionable.

The Federalist is regarded as the highest contemporary authority on the construction of the Constitution, and in the sixty-fourth number the functions of the Senate "sitting in their judicial capacity as a court for the trial of impeachments" are examined.

In a paragraph explaining the reasons for not uniting "the Supreme Court with the Senate in the formation of the court of impeachments" it is observed that—

> To a certain extent the benefits of that union will be obtained from making the Chief Justice of the Supreme Court the president of the court of impeachments, as is proposed by the plan of the Convention, while the inconveniences of an entire incorporation of the former into the latter will be substantially avoided. This was, perhaps, the prudent mean.

This authority seems to leave no doubt upon either of the propositions just stated; and the statement of them will serve to introduce the question upon which I think it my duty to state the result of my reflections to the Senate, namely, At what period, in the case of an impeachment of the President, should the court of impeachment be organized under oath, as directed by the Constitution?

It will readily suggest itself to anyone who reflects upon the abilities and the learning in the law which distinguish so many Senators that besides the reason assigned in the Federalist there must have been still another for the provision requiring the Chief Justice to preside in the court of impeachment. Under the Constitution, in case of a vacancy in the office of President, the Vice-President succeeds, and it was doubtless thought prudent and befitting that the next in succession should not preside in a proceeding through which a vacancy might be created.

It is not doubted that the Senate, while sitting in its ordinary capacity, must necessarily receive from the House of Representatives some notice of its intention to impeach the President at its bar, but it does not seem to me an unwarranted opinion, in view of this constitutional provision, that the organization of the Senate as a court of impeachment, under the Constitution, should precede the actual announcement of the impeachment on the part of the House.

And it may perhaps be thought a still less unwarranted opinion that articles of impeachment should only be presented to a court of impeachment; that no summons or other process should issue except from the organized court, and that rules for the government of the proceedings of such a court should be framed only by the court itself.

I have found myself unable to come to any other conclusions than these. I can assign no reason for requiring the Senate to organize as a court under any other than its ordinary presiding officer for the latter proceedings upon an impeachment of the President which does not seem to me to apply equally to the earlier.

I am informed that the Senate has proceeded upon other views, and it is not my purpose to contest what its superior wisdom may have directed.

All good citizens will fervently pray that no occasion may ever arise when the grave proceedings now in progress will be cited as a precedent; but it is not impossible that such an occasion may come.

Inasmuch, therefore, as the Constitution has charged the Chief Justice with an important function in the trial of an impeachment of the President, it has seemed to me fitting and obligatory, where he is unable to concur in the views of the Senate concerning matters essential to the trial, that his respectful dissent should appear.

S. P. CHASE,
Chief Justice of the United States.

PROCEEDINGS OF THE SENATE SITTING FOR THE TRIAL OF THE IMPEACHMENT OF ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES.

THURSDAY, MARCH 5, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

The Chief Justice of the United States entered the Senate Chamber and was conducted to the chair by the committee appointed by the Senate for that purpose.

The following oath was administered to the Chief Justice by Associate Justice Nelson, and by the Chief Justice to the members of the Senate:

> I do solemnly swear that in all things appertaining to the trial of the impeachment of Andrew Johnson, President of the United States, now pending, I will do impartial justice according to the Constitution and laws. So help me God.

FRIDAY, MARCH 6, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

To accord with the conviction of the Chief Justice* that the court should adopt its own rules, those adopted on March 2 by the Senate sitting in its legislative capacity were readopted by the Senate sitting as a court of impeachment. The rules are as follows:

RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON THE TRIAL OF IMPEACHMENTS.

I. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person, and are directed to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment agreeably to said notice.

II. When the managers of an impeachment shall be introduced at the bar of the Senate and shall signify that they are ready to exhibit articles of impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant-at-Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz:

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*See letter from the Chief Justice, pp. 3916-3918.

> All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against ——— ———.

after which the articles shall be exhibited; and then the Presiding Officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

III. Upon such articles being presented to the Senate, the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if so ordered by the Senate, proceed to the consideration of such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may in its judgment be needful. Before proceeding to the consideration of the articles of impeachment the Presiding Officer shall administer the oath hereinafter provided to the members of the Senate then present, and to the other members of the Senate as they shall appear, whose duty it shall be to take the same.

IV. When the President of the United States, or the Vice-President of the United States upon whom the powers and duties of the office of President shall have devolved, shall be impeached, the Chief Justice of the Supreme Court of the United States shall preside; and in a case requiring the said Chief Justice to preside notice shall be given to him by the Presiding Officer of the Senate of the time and place fixed for the consideration of the articles of impeachment as aforesaid, with a request to attend; and the said Chief Justice shall preside over the Senate during the consideration of said articles and upon the trial of the person impeached therein.

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

VI. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of and disobedience to its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to the ends of justice; and the Sergeant-at-Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer upon the trial shall direct all the forms of proceeding while the Senate are sitting for the purpose of trying an impeachment and all forms during the trial not otherwise specially provided for. The presiding officer may, in the first instance, submit to the Senate, without a division, all questions of evidence and incidental questions; but the same shall, on the demand of one-fifth of the members present, be decided by yeas and nays.

VIII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the accused, reciting said articles and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate, and named in such writ, and file his answer to said articles of impeachment, and to stand to and abide the orders and judgments of the Senate thereon, which writ shall be served by such officer or person as shall be named in the precept thereof such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person accused or, if that can not conveniently be done, by leaving such copy at the last known place of abode of such person or at his usual place of business, in some conspicuous place therein; or, if such service shall be, in the judgment of the Senate, impracticable, notice to the accused to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the accused, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

IX. At 12 o'clock and 30 minutes afternoon of the day appointed for the return of the summons against the person impeached the legislative and executive business of the Senate shall be suspended and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz:

> I, ——— ———, do solemnly swear that the return made by me upon the process issued on the —— day of ——— by the Senate of the United States against ——— ——— is truly made, and that I have performed such service as herein described. So help me God.

which oath shall be entered at large on the records.

X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself or by agent or attorney, naming the person appearing and the capacity in which he appears. If he do not appear, either personally or by agent or attorney, the same shall be recorded.

XI. At 12 o'clock and 30 minutes afternoon of the day appointed for the trial of an impeachment the legislative and executive business of the Senate shall be suspended and the Secretary shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of ——— ———, in the Senate Chamber, which chamber is prepared with accommodations for the reception of the House of Representatives.

XII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be (unless otherwise ordered) 12 o'clock m., and when the hour for such sitting shall arrive the Presiding Officer of the Senate shall so announce; and thereupon the presiding officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate, but on such adjournment the Senate shall resume the consideration of its legislative and executive business.

XIII. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

XIV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

XV. All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he or any Senator shall require it they shall be committed to writing and read at the Secretary's table.

XVI. Witnesses shall be examined by one person on behalf of the party producing them and then cross-examined by one person on the other side.

XVII. If a Senator is called as a witness, he shall be sworn and give his testimony standing in his place.

XVIII. If a Senator wishes a question to be put to a witness, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing and put by the presiding officer.

XIX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions.

XX. All preliminary or interlocutory questions and all motions shall be argued for not exceeding one hour on each side, unless the Senate shall by order extend the time.

XXI. The case on each side shall be opened by one person. The final arguments on the merits may be made by two persons on each side (unless otherwise ordered by the Senate, upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

XXII. On the final question whether the impeachment is sustained the yeas and nays shall be taken on each article of impeachment separately, and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present a judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of said articles by the votes of two-thirds of the members present the Senate shall proceed to pronounce judgment, and a certified copy of such judgment shall be deposited in the office of the Secretary of State.

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present.

XXIV. Witnesses shall be sworn in the following form, viz:

You, ——— ———, do swear (or affirm, as the case may be) that the evidence you shall give in the case now depending between the United States and ——— ——— shall be the truth, the whole truth, and nothing but the truth. So help you God.

which oath shall be administered by the Secretary or any other duly authorized person.

Form of subpœna to be issued on the application of the managers of the impeachment, or of the party impeached, or of his counsel:

To ——— ———, *greeting:*

You and each of you are hereby commanded to appear before the Senate of the United States on the —— day of ———, at the Senate Chamber, in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached ——— ———.

Fail not.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this —— day of ———, A. D. ——, and of the Independence of the United States the ———.

Form of direction for the service of said subpœna:

The Senate of the United States to ——— ———, *greeting:*

You are hereby commanded to serve and return the within subpœna according to law.

Dated at Washington, this —— day of ———, A. D. ——, and of the Independence of the United States the ———.

——— ———,
Secretary of the Senate.

Form of oath to be administered to the members of the Senate sitting in the trial of impeachments:

I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ——— ———, now pending, I will do impartial justice according to the Constitution and laws. So help me God.

Form of summons to be issued and served upon the person impeached.

THE UNITED STATES OF AMERICA, *ss:*
The Senate of the United States to —— ——, *greeting:*

Whereas the House of Representatives of the United States of America did on the —— day of —— exhibit to the Senate articles of impeachment against you, the said —— ——, in the words following:

[Here insert the articles.]

And demand that you, the said —— ——, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice:

You, the said —— ——, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their chamber, in the city of Washington, on the —— day of ——, at 12 o'clock and 30 minutes afternoon, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises, according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness —— ——, and Presiding Officer of the said Senate, at the city of Washington, this —— day of ——, A. D. ——, and of the Independence of the United States the ——.

Form of precept to be indorsed on said writ of summons:

THE UNITED STATES OF AMERICA, *ss:*
The Senate of the United States to —— ——, *greeting:*

You are hereby commanded to deliver to and leave with —— ——, if conveniently to be found, or, if not, to leave at his usual place of abode or at his usual place of business, in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least —— days before the appearance day mentioned in said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness —— ——, and Presiding Officer of the Senate, at the city of Washington, this —— day of ——, A. D. ——, and of the Independence of the United States the ——.

All process shall be served by the Sergeant-at-Arms of the Senate unless otherwise ordered by the court.

XXV. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may by an order, to be adopted without debate, fix a day and hour for resuming such consideration.

On March 31 Rule VII was amended to read as follows:

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer on the trial shall direct all the forms of proceeding while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for, and the presiding officer on the trial may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision; or he may, at his option, in the first instance submit any such question to a vote of the members of the Senate.

On April 3 Rule VII was further amended by inserting at the end thereof the following:

Upon all such questions the vote shall be without a division, unless the yeas and nays be demanded by one-fifth of the members present, when the same shall be taken.

On March 13 Rule XXIII was amended to read as follows:

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the members present.

On May 7 Rule XXIII was further amended by adding thereto the following:

The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not to the final question on each article of impeachment.

FRIDAY, MARCH 13, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

Mr. Henry Stanbery, in behalf of Andrew Johnson, the respondent, read the following paper:

In the matter of the impeachment of Andrew Johnson, President of the United States.

Mr. CHIEF JUSTICE: I, Andrew Johnson, President of the United States, having been served with a summons to appear before this honorable court, sitting as a court of impeachment, to answer certain articles of impeachment found and presented against me by the honorable the House of Representatives of the United States, do hereby enter my appearance by my counsel, Henry Stanbery, Benjamin R. Curtis, Jeremiah S. Black, William M. Evarts, and Thomas A R. Nelson, who have my warrant and authority therefor, and who are instructed by me to ask of this honorable court a reasonable time for the preparation of my answer to said articles. After a careful examination of the articles of impeachment and consultation with my counsel, I am satisfied that at least forty days will be necessary for the preparation of my answer, and I respectfully ask that it be allowed.

ANDREW JOHNSON.

Mr. Stanbery then submitted the following motion:

In the matter of the impeachment of Andrew Johnson, President of the United States.

Henry Stanbery, Benjamin R. Curtis, Jeremiah S. Black, William M. Evarts, and Thomas A. R. Nelson, of counsel for the respondent, move the court for the allowance of forty days for the preparation of the answer to the articles of impeachment, and in support of the motion make the following professional statement:

The articles are eleven in number, involving many questions of law and fact. We have during the limited time and opportunity afforded us considered as far as possible the field of investigation which must be explored in the preparation of the answer, and the conclusion at which we have arrived is that with the utmost diligence the time we have asked is reasonable and necessary.

The precedents as to time for answer upon impeachments before the Senate to which we have had opportunity to refer are those of Judge Chase and Judge Peck.

In the case of Judge Chase time was allowed from the 3d of January until the 4th of February next succeeding to put in his answer—a period of thirty-two days; but in this case there were only eight articles, and Judge Chase had been for a year cognizant of most of the articles, and had been himself engaged in preparing to meet them.

In the case of Judge Peck there was but a single article. Judge Peck asked for time from the 10th to the 25th of May to put in his answer, and it was granted. It appears that Judge Peck had been long cognizant of the ground laid for his impeachment, and had been present before the committee of the House upon the examination of the witnesses, and had been permitted by the House of Representatives to present to that body an elaborate answer to the charges.

It is apparent that the President is fairly entitled to more time than was allowed in either of the foregoing cases. It is proper to add that the respondents in these cases were lawyers, fully capable of preparing their own answers, and that no pressing official duties interfered with their attention to that business; whereas the President, not being a lawyer, must rely on his counsel. The charges involve his acts, declarations, and intentions, as to all which his counsel must be fully advised upon consultation with him, step by step, in the preparation of his defense. It is seldom that a case requires such constant communication between client and counsel as this, and yet such communication can only be had at such intervals as are allowed to the President from the usual hours that must be devoted to his high official duties.

We further beg leave to suggest for the consideration of this honorable court that, as counsel careful as well of their own reputation as of the interests of their client in a case of such magnitude as this, so out of the ordinary range of professional experience, where so much responsibility is felt, they submit to the candid consideration of the court that they have a right to ask for themselves such opportunity to discharge their duty as seems to them to be absolutely necessary.

HENRY STANBERY,
B. R. CURTIS,
JEREMIAH S. BLACK, } Per H. S.
WILLIAM M. EVARTS, }
THOMAS A. R. NELSON,
Of Counsel for the Respondent.

The above motion was denied, and the Senate adopted the following orders:

Ordered, That the respondent file answer to the articles of impeachment on or before Monday, the 23d day of March instant.

Ordered, That unless otherwise ordered by the Senate, for cause shown, the trial of the pending impeachment shall proceed immediately after replication shall be filed.

MONDAY, MARCH 23, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

The answer of the respondent to the articles of impeachment was submitted by his counsel, as follows:

Senate of the United States, sitting as a court of impeachment for the trial of Andrew Johnson, President of the United States.

THE ANSWER OF THE SAID ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES, TO THE ARTICLES OF IMPEACHMENT EXHIBITED AGAINST HIM BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

Answer to Article I.—For answer to the first article he says that Edwin M. Stanton was appointed Secretary for the Department of War on the 15th day of January, A. D. 1862, by Abraham Lincoln, then President of the United States, during the first term of his Presidency, and was commissioned, according to the Constitution and laws of the United States, to hold the said office during the pleasure of the President; that the office of Secretary for the Department of War was created by an act of the First Congress in its first session, passed on the 7th day of August, A. D. 1789, and in and by that act it was provided and enacted that the said Secretary for the Department of War shall perform and execute such duties as shall from time to time be enjoined on and intrusted to him by the President of the United States, agreeably to the Constitution, relative to the subjects within the scope of the said Department; and, furthermore, that the said Secretary shall conduct the business of the said Department in such a manner as the President of the United States shall from time to time order and instruct.

And this respondent, further answering, says that by force of the act aforesaid and by reason of his appointment aforesaid the said Stanton became the principal officer in one of the Executive Departments of the Government within the true intent and meaning of the second section of the second article of the Constitution of the United States and according to the true intent and meaning of that provision of the Constitution of the United States; and, in accordance with the settled and uniform practice of each and every President of the United States, the said Stanton then became, and so long as he should continue to hold the said office of Secretary for the Department of War must continue to be, one of the advisers of the President of the United States, as well as the person intrusted to act for and represent the President in matters enjoined upon him or intrusted to him by the President touching the Department aforesaid, and for whose conduct in such capacity, subordinate to the President, the President is by the Constitution and laws of the United States made responsible.

And this respondent, further answering, says he succeeded to the office of President of the United States upon and by reason of the death of Abraham Lincoln, then President of the United States, on the 15th day of April, 1865, and the said Stanton was then holding the said office of Secretary for the Department of War under and by reason of the appointment and commission aforesaid; and not having been removed from the said office by this respondent, the said Stanton continued to hold the same under the appointment and commission aforesaid, at the pleasure of the President, until the time hereinafter particularly mentioned, and at no time received any appointment or commission save as above detailed.

And this respondent, further answering, says that on and prior to the 5th day of August, A. D. 1867, this respondent, the President of the United States, responsible for the conduct of the Secretary for the Department of War, and having the constitutional right to resort to and rely upon the person holding that office for advice concerning the great and difficult public duties enjoined on the President by the Constitution and laws of the United States, became satisfied that he could not allow the said Stanton to continue to hold the office of Secretary for the Department of War without hazard of the public interest; that the relations between the said Stanton and the President no longer permitted the President to resort to him for advice or to be, in the judgment of the President, safely responsible for his conduct of the affairs of the Department of War, as by law required, in accordance with the orders and instructions of the President; and thereupon, by force of the Constitution and laws of the United

States, which devolve on the President the power and the duty to control the conduct of the business of that Executive Department of the Government, and by reason of the constitutional duty of the President to take care that the laws be faithfully executed, this respondent did necessarily consider and did determine that the said Stanton ought no longer to hold the said office of Secretary for the Department of War. And this respondent, by virtue of the power and authority vested in him as President of the United States by the Constitution and laws of the United States, to give effect to such his decision and determination, did, on the 5th day of August, A. D. 1867, address to the said Stanton a note of which the following is a true copy:

SIR: Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted.

To which note the said Stanton made the following reply:

WAR DEPARTMENT,
Washington, August 5, 1867.

SIR: Your note of this day has been received, stating that "public considerations of a high character constrain" you "to say that" my "resignation as Secretary of War will be accepted."

In reply I have the honor to say that public considerations of a high character, which alone have induced me to continue at the head of this Department, constrain me not to resign the office of Secretary of War before the next meeting of Congress.

Very respectfully, yours,

EDWIN M. STANTON.

This respondent, as President of the United States, was thereon of opinion that, having regard to the necessary official relations and duties of the Secretary for the Department of War to the President of the United States, according to the Constitution and laws of the United States, and having regard to the responsibility of the President for the conduct of the said Secretary, and having regard to the permanent executive authority of the office which the respondent holds under the Constitution and laws of the United States, it was impossible, consistently with the public interests, to allow the said Stanton to continue to hold the said office of Secretary for the Department of War; and it then became the official duty of the respondent, as President of the United States, to consider and decide what act or acts should and might lawfully be done by him, as President of the United States, to cause the said Stanton to surrender the said office.

This respondent was informed and verily believed that it was practically settled by the First Congress of the United States, and had been so considered and uniformly and in great numbers of instances acted on by each Congress and President of the United States, in succession, from President Washington to and including President Lincoln, and from the First Congress to the Thirty-ninth Congress, that the Constitution of the United States conferred on the President, as part of the executive power and as one of the necessary means and instruments of performing the executive duty expressly imposed on him by the Constitution of taking care that the laws be faithfully executed, the power at any and all times of removing from office all executive officers for cause to be judged of by the President alone. This respondent had, in pursuance of the Constitution, required the opinion of each principal officer of the Executive Departments upon this question of constitutional executive power and duty, and had been advised by each of them, including the said Stanton, Secretary for the Department of War, that under the Constitution of the United States this power was lodged by the Constitution in the President of the United States, and that, consequently, it could be lawfully exercised by him, and the Congress could not deprive him thereof; and this respondent, in his capacity of President of the United States, and because in that capacity he was both enabled and bound to use his best judgment upon this question, did, in good faith and with an earnest desire to arrive at the truth, come to the conclusion and opinion, and did make the same known to the honorable the Senate of the United States by a message dated on the 2d day of March, 1867 (a true copy whereof is hereunto annexed and marked A), that the power last mentioned was conferred and the duty of exercising it in fit cases was imposed on the President by the Constitution of the United States, and that the President could not be deprived of this power or relieved of this duty, nor could the same be vested by law in the President and the Senate jointly, either in part or whole; and this has ever since remained and was the opinion of this respondent at the time when he was forced as aforesaid to consider and decide what act or acts should and might lawfully be done by this respondent, as President of the United States, to cause the said Stanton to surrender the said office.

This respondent was also then aware that by the first section of "An act regulating the tenure of certain civil offices," passed March 2, 1867, by a constitutional majority of both Houses of Congress, it was enacted as follows:

> That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General shall hold their offices, respectively, for and during the term of the President by whom they may have been appointed and one month thereafter, subject to removal by and with the advice and consent of the Senate.

This respondent was also aware that this act was understood and intended to be an expression of the opinion of the Congress by which that act was passed that the power to remove executive officers for cause might by law be taken from the President and vested in him and the Senate jointly; and although this respondent had arrived at and still retained the opinion above expressed, and verily believed, as he still believes, that the said first section of the last-mentioned act was and is wholly inoperative and void by reason of its conflict with the Constitution of the United States, yet, inasmuch as the same had been enacted by the constitutional majority in each of the two Houses of that Congress, this respondent considered it to be proper to examine and decide whether the particular case of the said Stanton, on which it was this respondent's duty to act, was within or without the terms of that first section of the act, or, if within it, whether the President had not the power, according to the terms of the act, to remove the said Stanton from the office of Secretary for the Department of War; and having, in his capacity of President of the United States, so examined and considered, did form the opinion that the case of the said Stanton and his tenure of office were not affected by the first section of the last-named act.

And this respondent, further answering, says that although a case thus existed which, in his judgment, as President of the United States, called for the exercise of the executive power to remove the said Stanton from the office of Secretary for the Department of War; and although this respondent was of opinion, as is above shown, that under the Constitution of the United States the power to remove the said Stanton from the said office was vested in the President of the United States; and although this respondent was also of the opinion, as is above shown, that the case of the said Stanton was not affected by the first section of the last-named act; and although each of the said opinions had been formed by this respondent upon an actual case, requiring him, in his capacity of President of the United States, to come to some judgment and determination thereon, yet this respondent, as President of the United States, desired and determined to avoid, if possible, any question of the construction and effect of the said first section of the last-named act, and also the broader question of the executive power conferred upon the President of the United States by the Constitution of the United States to remove one of the principal officers of one of the Executive Departments for cause seeming to him sufficient; and this respondent also desired and determined that if, from causes over which he could exert no control, it should become absolutely necessary to raise and have in some way determined either or both of the said last-named questions, it was in accordance with the Constitution of the United States, and was required of the President thereby, that questions of so much gravity and importance, upon which the legislative and executive departments of the Government had disagreed, which involved powers considered by all branches of the Government, during its entire history down to the year 1867, to have been confided by the Constitution of the United States to the President, and to be necessary for the complete and proper execution of his constitutional duties, should be in some proper way submitted to that judicial department of the Government intrusted by the Constitution with the power, and subjected by it to the duty, not only of determining finally the construction and effect of all acts of Congress, but of comparing them with the Constitution of the United States and pronouncing them inoperative when found in conflict with that fundamental law which the people have enacted for the government of all their servants. And to these ends, first, that through the action of the Senate of the United States the absolute duty of the President to substitute some fit person in place of Mr. Stanton as one of his advisers, and as a principal subordinate officer whose official conduct he was responsible for and had lawful right to control, might, if possible, be accomplished without the necessity of raising any one of the questions aforesaid; and, second, if this duty could not be performed, then that these questions, or such of them as might necessarily arise, should be judicially determined in manner aforesaid, and for no other end or purpose, this respondent, as President of the United States, on the 12th day of August, 1867, seven days after the reception of the letter of the said Stanton of the 5th of August, hereinbefore stated, did issue to the said Stanton the order following, namely:

EXECUTIVE MANSION,
Washington, August 12, 1867.

HON. EDWIN M. STANTON,
Secretary of War.

SIR: By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same.

You will at once transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

To which said order the said Stanton made the following reply:

WAR DEPARTMENT,
Washington City, August 12, 1867.

The PRESIDENT.

SIR: Your note of this date has been received, informing me that by virtue of the powers vested in you as President by the Constitution and laws of the United States I am suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same; and also directing me at once to transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in my custody and charge.

Under a sense of public duty, I am compelled to deny your right under the Constitution and laws of the United States, without the advice and consent of the Senate and without legal cause, to suspend me from office as Secretary of War, or the exercise of any or all functions pertaining to the same, or without such advice and consent to compel me to transfer to any person the records, books, papers, and public property in my custody as Secretary.

But inasmuch as the General Commanding the armies of the United States has been appointed *ad interim*, and has notified me that he has accepted the appointment, I have no alternative but to submit, under protest, to superior force.

And this respondent, further answering, says that it is provided in and by the second section of "An act regulating the tenure of certain civil offices" that the President may suspend an officer from the performance of the duties of the office held by him, for certain causes therein designated, until the next meeting of the Senate and until the case shall be acted on by the Senate; that this respondent, as President of the United States, was advised, and he verily believed, and still believes, that the executive power of removal from office confided to him by the Constitution as aforesaid includes the power of suspension from office at the pleasure of the President; and this respondent, by the order aforesaid, did suspend the said Stanton from office, not until the next meeting of the Senate or until the Senate should have acted upon the case, but, by force of the power and authority vested in him by the Constitution and laws of the United States, indefinitely and at the pleasure of the President; and the order, in form aforesaid, was made known to the Senate of the United States on the 12th day of December, A. D. 1867, as will be more fully hereinafter stated.

And this respondent, further answering, says that in and by the act of February 13, 1795, it was, among other things, provided and enacted that in case of vacancy in the office of Secretary for the Department of War it shall be lawful for the President, in case he shall think it necessary, to authorize any person to perform the duties of that office until a successor be appointed or such vacancy filled, but not exceeding the term of six months; and this respondent, being advised and believing that such law was in full force and not repealed, by an order dated August 12, 1867, did authorize and empower Ulysses S. Grant, General of the armies of the United States, to act as Secretary for the Department of War *ad interim*, in the form in which similar authority had theretofore been given, not until the next meeting of the Senate and until the Senate should act on the case, but at the pleasure of the President, subject only to the limitation of six months in the said last-mentioned act contained; and a copy of the last-named order was made known to the Senate of the United States on the 12th day of December, A. D. 1867, as will be hereinafter more fully stated; and in pursuance of the design and intention aforesaid, if it should become necessary, to submit the said questions to a judicial determination, this respondent, at or near the date of the last-mentioned order, did make known such his purpose to obtain a judicial decision of the said questions, or such of them as might be necessary.

And this respondent, further answering, says that in further pursuance of his intention and design, if possible, to perform what he judged to be his imperative duty, to prevent the said Stanton from longer holding the office of Secretary for the Department of War, and at the same time avoiding, if possible, any question respecting the extent of the power of removal from executive office confided to the President by the Constitution of the United States, and any question respecting the construction and effect of the first section of the said "Act regulating the tenure of certain civil offices," while he should not by any act of his abandon and relinquish either a power which he believed the Constitution had conferred on the President of the United States to enable him to perform the duties of his office or a power designedly left to him by the first section of the act of Congress last aforesaid, this respondent did, on the 12th day of December, 1867, transmit to the Senate of the United States a message, a copy whereof is hereunto annexed and marked B, wherein he made known the orders aforesaid and the reasons which had induced the same, so far as this respondent then considered it material and necessary that the same should be set forth, and reiterated his views concerning the constitutional power of removal vested in the President, and also expressed his views concerning the construction of the said first section of the last-mentioned act, as respected the power of the President to remove the said Stanton from the said office of Secretary for the Department of War, well hoping that this respondent could thus perform what he then believed, and still believes, to be his imperative duty in reference to the said Stanton without derogating from the powers which this respondent believed were confided to the President by the Constitution and laws, and without the necessity of raising judicially any questions respecting the same.

And this respondent, further answering, says that this hope not having been realized, the President was compelled either to allow the said Stanton to resume the said office and remain therein contrary to the settled convictions of the President, formed as aforesaid, respecting the powers confided to him and the duties required of him by the Constitution of the United States, and contrary to the opinion formed as aforesaid that the first section of the last-mentioned act did not affect the case of the said Stanton, and contrary to the fixed belief of the President that he could no longer advise with or trust or be responsible for the said Stanton in the said office of Secretary for the Department of War, or else he was compelled to take such steps as might in the judgment of the President be lawful and necessary to raise for a judicial decision the questions affecting the lawful right of the said Stanton to resume the said office or the power of the said Stanton to persist in refusing to quit the said office if he should persist in actually refusing to quit the same; and to this end, and to this end only, this respondent did, on the 21st day of February, 1868, issue the order for the removal of the said Stanton, in the said first article mentioned and set forth, and the order authorizing the said Lorenzo Thomas to act as Secretary of War *ad interim*, in the said second article set forth.

And this respondent, proceeding to answer specifically each substantial allegation in the said first article, says: He denies that the said Stanton, on the 21st day of February, 1868, was lawfully in possession of the said office of Secretary for the Department of War. He denies that the said Stanton, on the day last mentioned, was lawfully entitled to hold the said office against the will of the President of the United States. He denies that the said order for the removal of the said Stanton was unlawfully issued. He denies that the said order was issued with intent to violate the act entitled

"An act regulating the tenure of certain civil offices." He denies that the said order was a violation of the last-mentioned act. He denies that the said order was a violation of the Constitution of the United States, or of any law thereof, or of his oath of office. He denies that the said order was issued with an intent to violate the Constitution of the United States, or any law thereof, or this respondent's oath of office; and he respectfully but earnestly insists that not only was it issued by him in the performance of what he believed to be an imperative official duty, but in the performance of what this honorable court will consider was, in point of fact, an imperative official duty. And he denies that any and all substantive matters in the said first article contained, in manner and form as the same are therein stated and set forth, do by law constitute a high misdemeanor in office within the true intent and meaning of the Constitution of the United States.

Answer to Article II.—And for answer to the second article this respondent says that he admits he did issue and deliver to said Lorenzo Thomas the said writing set forth in said second article, bearing date at Washington, D. C., February 21, 1868, addressed to Brevet Major-General Lorenzo Thomas, Adjutant-General United States Army, Washington, D. C., and he further admits that the same was so issued without the advice and consent of the Senate of the United States, then in session; but he denies that he thereby violated the Constitution of the United States or any law thereof, or that he did thereby intend to violate the Constitution of the United States or the provisions of any act of Congress; and this respondent refers to his answer to said first article for a full statement of the purposes and intentions with which said order was issued, and adopts the same as part of his answer to this article; and he further denies that there was then and there no vacancy in the said office of Secretary for the Department of War, or that he did then and there commit or was guilty of a high misdemeanor in office; and this respondent maintains and will insist—

1. That at the date and delivery of said writing there was a vacancy existing in the office of Secretary for the Department of War.

2. That notwithstanding the Senate of the United States was then in session, it was lawful and according to long and well-established usage to empower and authorize the said Thomas to act as Secretary of War *ad interim.*

3. That if the said act regulating the tenure of civil offices be held to be a valid law, no provision of the same was violated by the issuing of said order or by the designation of said Thomas to act as Secretary of War *ad interim.*

Answer to Article III.—And for answer to said third article this respondent says that he abides by his answer to said first and second articles in so far as the same are responsive to the allegations contained in the said third article, and, without here again repeating the same answer, prays the same be taken as an answer to this third article as fully as if here again set out at length; and as to the new allegation contained in said third article, that this respondent did appoint the said Thomas to be Secretary for the Department of War *ad interim*, this respondent denies that he gave any other authority to said Thomas than such as appears in said written authority, set out in said article, by which he authorized and empowered said Thomas to act as Secretary for the Department of War *ad interim;* and he denies that the same amounts to an appointment, and insists that it is only a designation of an officer of that Department to act temporarily as Secretary for the Department of War *ad interim* until an appointment should be made. But whether the said written authority amounts to an appointment or to a temporary authority or designation, this respondent denies that in any sense he did thereby intend to violate the Constitution of the United States, or that he thereby intended to give the said order the character or effect of an appointment in the constitutional or legal sense of that term. He further denies that there was no vacancy in said office of Secretary for the Department of War existing at the date of said written authority.

Answer to Article IV.—And for answer to said fourth article this respondent denies that on the said 21st day of February, 1868, at Washington aforesaid, or at any other time or place, he did unlawfully conspire with the said Lorenzo Thomas, or with the said Thomas and any other person or persons, with intent, by intimidations and threats, unlawfully to hinder and prevent the said Stanton from holding said office of Secretary for the Department of War, in violation of the Constitution of the United States or of the provisions of the said act of Congress in said article mentioned, or that he did then and there commit or was guilty of a high crime in office. On the contrary thereof, protesting that the said Stanton was not then and there lawfully the Secretary for the Department of War, this respondent states that his sole purpose in authorizing the said Thomas to act as Secretary for the Department of War *ad interim* was, as is fully stated in his answer to the said first article, to bring the question of the right of the said Stanton to hold said office, notwithstanding his said suspension, and notwithstanding the said order of removal, and notwithstanding the said authority of the said Thomas to act as Secretary of War *ad interim*, to the test of a final decision by the Supreme Court of the United States in the earliest practicable mode by which the question could be brought before that tribunal.

This respondent did not conspire or agree with the said Thomas, or any other person or persons, to use intimidation or threats to hinder or prevent the said Stanton from holding the said office of Secretary for the Department of War, nor did this respondent at any time command or advise the said Thomas, or any other person or persons, to resort to or use either threats or intimidation for that purpose. The only means in the contemplation or purpose of respondent to be used are set forth fully in the said orders of February 21, the first addressed to Mr. Stanton and the second to the said Thomas. By the first order the respondent notified Mr. Stanton that he was removed from the said office and that his functions as Secretary for the Department of War were to terminate upon the receipt of that order; and he also thereby notified the said Stanton that the said Thomas had been authorized to act as Secretary for the Department of War *ad interim*, and ordered the said Stanton to transfer to him all the records, books, papers, and other public property in his custody and charge; and by the second order this respondent notified the said Thomas of the removal from office of the said Stanton, and authorized him to act as Secretary for the Department of War *ad interim*, and directed him to immediately enter upon the discharge of the duties pertaining to that office and to receive the transfer of all the records, books, papers, and other public property from Mr. Stanton then in his custody and charge.

Respondent gave no instructions to the said Thomas to use intimidation or threats to enforce obedience to these orders. He gave him no authority to call in the aid of the military or any other force to enable him to obtain possession of the office or of the books, papers, records, or property thereof. The only agency resorted to, or intended to be resorted to, was by means of the said Executive orders requiring obedience. But the Secretary for the Department of War refused to obey these orders, and still holds undisturbed possession and custody of that Department and of the records, books, papers, and other public property therein. Respondent further states that in execution of the orders so by this respondent given to the said Thomas he, the said Thomas, proceeded in a peaceful manner to demand of the said Stanton a surrender to him of the public property in the said Department, and to vacate the possession of the same, and to allow him, the said Thomas, peaceably to exercise the duties devolved upon him by authority of the President. That, as this respondent has been informed and believes, the said Stanton peremptorily refused obedience to the orders so issued. Upon such refusal no force or threat of force was used by the said Thomas, by authority of the President or otherwise, to enforce obedience, either then or at any subsequent time.

This respondent doth here except to the sufficiency of the allegations contained in said fourth article, and states for ground of exception that it is not stated that there was any agreement between this respondent and the said Thomas, or any other person or persons, to use intimidation and threats, nor is there any allegation as to the nature of said intimidation and threats, or that there was any agreement to carry them into execution, or that any step was taken or agreed to be taken to carry them into execution; and that the allegation in said article that the intent of said conspiracy was to use intimidation and threats is wholly insufficient, inasmuch as it is not alleged that the said intent formed the basis or became part or any agreement between the said alleged conspirators; and, furthermore, that there is no allegation of any conspiracy or agreement to use intimidation or threats.

Answer to Article V.—And for answer to the said fifth article this respondent denies that on the said 21st day of February, 1868, or at any other time or times in the same year before the said 2d day of March, 1868, or at any prior or subsequent time, at Washington aforesaid, or at any other place, this respondent did unlawfully conspire with the said Thomas, or with any other person or persons, to prevent or hinder the execution of the said act entitled "An act regulating the tenure of certain civil offices," or that, in pursuance of said alleged conspiracy, he did unlawfully attempt to prevent the said Edwin M. Stanton from holding the said office of Secretary for the Department of War, or that he did thereby commit, or that he was thereby guilty of, a high misdemeanor in office. Respondent, protesting that said Stanton was not then and there Secretary for the Department of War, begs leave to refer to his answer given to the fourth article and to his answer to the first article as to his intent and purpose in issuing the orders for the removal of Mr. Stanton and the authority given to the said Thomas, and prays equal benefit therefrom as if the same were here again repeated and fully set forth.

And this respondent excepts to the sufficiency of the said fifth article, and states his ground for such exception that it is not alleged by what means or by what agreement the said alleged conspiracy was formed or agreed to be carried out, or in what way the same was attempted to be carried out, or what were the acts done in pursuance thereof.

Answer to Article VI.—And for answer to the said sixth article this respondent denies that on the said 21st day of February, 1868, at Washington aforesaid, or at any other time or place, he did unlawfully conspire with the said Thomas by force to seize, take, or possess the property of the United States in the Department of War, contrary to the provisions of the said acts referred to in the said article, or either of them, or with intent to violate either of them. Respondent, protesting that said Stanton was not then and there Secretary for the Department of War, not only denies the said conspiracy as charged, but also denies any unlawful intent in reference to the custody and charge of the property of the United States in the said Department of War, and again refers to his former answers for a full statement of his intent and purpose in the premises.

Answer to Article VII.—And for answer to the said seventh article respondent denies that on the said 21st day of February, 1868, at Washington aforesaid, or at any other time and place, he did unlawfully conspire with the said Thomas with intent unlawfully to seize, take, or possess the property of the United States in the Department of War, with intent to violate or disregard the said act in the said seventh article referred to, or that he did then and there commit a high misdemeanor in office. Respondent, protesting that the said Stanton was not then and there Secretary for the Department of War, again refers to his former answers, in so far as they are applicable, to show the intent with which he proceeded in the premises, and prays equal benefit therefrom as if the same were here again fully repeated. Respondent further takes exception to the sufficiency of the allegations of this article as to the conspiracy alleged upon the same grounds as stated in the exception set forth in his answer to said article fourth.

Answer to Article VIII.—And for answer to the said eighth article this respondent denies that on the 21st day of February, 1868, at Washington aforesaid, or at any other time and place, he did issue and deliver to the said Thomas the said letter of authority set forth in the said eighth article with the intent unlawfully to control the disbursements of the money appropriated for the military service and for the Department of War. This respondent, protesting that there was a vacancy in the office of Secretary of War, admits that he did issue the said letter of authority, and he denies that the same was with any unlawful intent whatever, either to violate the Constitution of the United States or any act of Congress. On the contrary, this respondent again affirms that his sole intent was to vindicate his authority as President of the United States, and by peaceful means to bring the question of the right of the said Stanton to continue to hold the said office of Secretary of War to a final decision before the Supreme Court of the United States, as has been hereinbefore set forth; and he prays the same benefit from his answer in the premises as if the same were here again repeated at length.

Answer to Article IX.—And for answer to the said ninth article the respondent states that on the said 22d day of February, 1868, the following note was addressed to the said Emory by the private secretary of the respondent:

EXECUTIVE MANSION,
WASHINGTON, D. C.,
February 22, 1868.

GENERAL: The President directs me to say that he will be pleased to have you call upon him as early as practicable.

Respectfully and truly, yours,

WILLIAM G. MOORE,
United States Army.

General Emory called at the Executive Mansion according to this request. The object of respondent was to be advised by General Emory, as commander of the Department of Washington, what changes had been made in the military affairs of the department. Respondent had been informed that various changes had been made which in no wise had been brought to his notice or reported to him from the Department of War or from any other quarter, and desired to ascertain the facts. After the said Emory had explained in detail the changes which had taken place, said Emory called the attention of respondent to a general order which he referred to, and which this respondent then sent for, when it was produced. It is as follows:

GENERAL ORDERS, No. 17.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 14, 1867.

The following acts of Congress are published for the information and government of all concerned:

* * * * * * *

"II.—PUBLIC—No. 85.

"AN ACT making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes.

* * * * * * *

"SEC. 2. *And be it further enacted*, That the headquarters of the General of the Army of the United States shall be at the city of Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and in case of his inability through the next in rank. The General of the Army shall not be removed, suspended, or relieved from command, or assigned to duty elsewhere than at said headquarters, except at his own request, without the previous approval of the Senate; and any orders or instructions relating to military operations issued contrary to the requirements of this section shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office; and any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such orders were so issued, shall be liable to imprisonment for not less than two nor more than twenty years upon conviction thereof in any court of competent jurisdiction.

* * * * * * *

"Approved, March 2, 1867."

* * * * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

Official:

——— ———,
Assistant Adjutant-General.

General Emory not only called the attention of respondent to this order, but to the fact that it was in conformity with a section contained in an appropriation act passed by Congress. Respondent, after reading the order, observed:

> This is not in accordance with the Constitution of the United States, which makes me Commander in Chief of the Army and Navy, or of the language of the commission which you hold.

General Emory then stated that this order had met the respondent's approval. Respondent then said in reply, in substance:

> Am I to understand that the President of the United States can not give an order but through the General in Chief, or General Grant?

General Emory again reiterated the statement that it had met respondent's approval, and that it was the opinion of some of the leading lawyers of the country that this order was constitutional. With some further conversation, respondent then inquired the names of the lawyers who had given the opinion, and he mentioned the names of two. Respondent then said that the object of the law was very evident, referring to the clause in the appropriation act upon which the order purported to be based. This, according to respondent's recollection, was the substance of the conversation had with General Emory.

Respondent denies that any allegations in the said article of any instructions or declarations given to the said Emory then or at any other time contrary to or in addition to what is hereinbefore set forth are true. Respondent denies that in said conversation with said Emory he had any other intent than to express the opinion then given to the said Emory, nor did he then or at any time request or order the said Emory to disobey any law or any order issued in conformity with any law, or intend to offer any inducement to the said Emory to violate any law. What this respondent then said to General Emory was simply the expression of an opinion which he then fully believed to be sound, and which he yet believes to be so, and that is that by the express provisions of the Constitution this respondent, as President, is made the Commander in Chief of the armies of the United States, and as such he is to be respected, and that his orders, whether issued through the War Department, or through the General in Chief, or by any other channel of communication, are entitled to respect and obedience, and that such constitutional power can not be taken from him by virtue of any act of Congress. Respondent doth therefore deny that by the expression of such opinion he did commit or was guilty of a high misdemeanor in office; and the respondent doth further say that the said Article IX lays no foundation whatever for the conclusion stated in the said article, that the respondent, by reason of the allegations therein contained, was guilty of a high misdemeanor in office.

In reference to the statement made by General Emory that this respondent had approved of said act of Congress containing the section referred to, the respondent admits that his formal approval was given to said act, but accompanied the same by the following message, addressed and sent with the act to the House of Representatives, in which House the said act originated, and from which it came to respondent:

To the House of Representatives: WASHINGTON, D. C., *March 2, 1867.*

The act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes," contains provisions to which I must call attention. These provisions are contained in the second section, which in certain cases virtually deprives the President of his constitutional functions as Commander in Chief of the Army, and in the sixth section, which denies to ten States of the Union their constitutional right to protect themselves in any emergency by means of their own militia. These provisions are out of place in an appropriation act, but I am compelled to defeat these necessary appropriations if I withhold my signature from the act. Pressed by these considerations, I feel constrained to return the bill with my signature, but to accompany it with my earnest protest against the sections which I have indicated.

Respondent, therefore, did no more than to express to said Emory the same opinion which he had so expressed to the House of Representatives.

Answer to Article X.—And in answer to the tenth article and specifications thereof the respondent says that on the 14th and 15th days of August, in the year 1866, a political convention of delegates from all or most of the States and Territories of the Union was held in the city of Philadelphia, under the name and style of the National Union Convention, for the purpose of maintaining and advancing certain political views and opinions before the people of the United States, and for their support and adoption in the exercise of the constitutional suffrage in the elections of Representatives and Delegates in Congress which were soon to occur in many of the States and Territories of the Union; which said convention, in the course of its proceedings, and in furtherance of the objects of the same, adopted a "Declaration of principles" and "An address to the people of the United States," and appointed a committee of two of its members from each State and of one from each Territory and one from the District of Columbia to wait upon the President of the United States and present to him a copy of the proceedings of the convention; that on the 18th day of said month of August this committee waited upon the President of the United States at the Executive Mansion, and was received by him in one of the rooms thereof, and by their chairman, Hon. Reverdy Johnson, then and now a Senator of the United States, acting and speaking in their behalf, presented a copy of the proceedings of the convention and addressed the President of the United States in a speech of which a copy (according to a published report of the same, and, as the respondent believes, substantially a correct report) is hereto annexed as a part of this answer, and marked Exhibit C.

That thereupon, and in reply to the address of said committee by their chairman, this respondent addressed the said committee so waiting upon him in one of the rooms of the Executive Mansion; and this respondent believes that this his address to said committee is the occasion referred to in the first specification of the tenth article; but this respondent does not admit that the passages therein set forth, as if extracts from a speech or address of this respondent upon said occasion, correctly or justly present his speech or address upon said occasion, but, on the contrary, this respondent demands and insists that if this honorable court shall deem the said article and the said first specification thereof to contain allegation of matter cognizable by this honorable court as a high misdemeanor in office within the intent and meaning of the Constitution of the United States, and shall receive or allow proof in support of the same, that proof shall be required to be made of the actual speech and address of this respondent on said occasion, which this respondent denies that said article and specification contain or correctly or justly represent.

And this respondent, further answering the tenth article and the specifications thereof, says that at Cleveland, in the State of Ohio, and on the 3d day of September, in the year 1866, he was attended by a large assemblage of his fellow-citizens, and in deference and obedience to their call and demand he addressed them upon matters of public and political consideration; and this respondent believes that said occasion and address are referred to in the second specification of the tenth article; but this respondent does not admit that the passages therein set forth, as if extracts from a speech of this respondent on said occasion, correctly or justly present his speech or address upon said occasion, but, on the contrary, this respondent demands and insists that if this honorable court shall deem the said article and the said second specification thereof to contain allegation of matter cognizable by this honorable court as a high misdemeanor in office within the intent and meaning of the Constitution of the United States, and shall receive or allow proof in support of the same, that proof shall be required to be made of the actual speech and address of this respondent on said occasion, which this respondent denies that said article and specification contain or correctly or justly represent.

And this respondent, further answering the tenth article and the specifications thereof, says that at St. Louis, in the State of Missouri, and on the 8th day of September, in the year 1866, he was attended by a numerous assemblage of his fellow-citizens, and in deference and obedience to their call and demand he addressed them upon matters of public and political consideration; and this respondent believes that said occasion and address are referred to in the third specification of the tenth article; but this respondent does not admit that the passages therein set forth, as if extracts from a speech of this respondent on said occasion, correctly or justly present his speech or address upon said occasion, but, on the contrary, this respondent demands and insists that if this honorable court shall deem the said article and the said third specification thereof to contain allegation of matter cognizable by this honorable court as a high misdemeanor in office within the intent and meaning of the Constitution of the United States, and shall receive or allow proof in support of the same, that proof shall be required to be made of the actual speech and address of this respondent on said occasion, which this respondent denies that the said article and specification contain or correctly or justly represent.

And this respondent, further answering the tenth article, protesting that he has not been unmindful of the high duties of his office or of the harmony or courtesies which ought to exist and be maintained between the executive and legislative branches of the Government of the United States, denies that he has ever intended or designed to set aside the rightful authority or powers of Congress, or attempted to bring into disgrace, ridicule, hatred, contempt, or reproach the Congress of the United States, or either branch thereof, or to impair or destroy the regard or respect of all or any of the good people of the United States for the Congress or the rightful legislative power thereof, or to excite the odium or resentment of all or any of the good people of the United States against Congress and the laws by it duly and constitutionally enacted. This respondent further says that at all times he has, in his official acts as President, recognized the authority of the several Congresses of the United States as constituted and organized during his administration of the office of President of the United States.

And this respondent, further answering, says that he has from time to time, under his constitutional right and duty as President of the United States, communicated to Congress his views and opinions in regard to such acts or resolutions thereof as, being submitted to him as President of the United States in pursuance of the Constitution, seemed to this respondent to require such communications; and he has from time to time, in the exercise of that freedom of speech which belongs to him as a citizen of the United States, and, in his political relations as President of the United States to the people of the United States, is upon fit occasions a duty of the highest obligation, expressed to his fellow-citizens his views and opinions respecting the measures and proceedings of Congress; and that in such addresses to his fellow-citizens and in such his communications to Congress he has expressed his views, opinions, and judgment of and concerning the actual constitution of the two Houses of Congress, without representation therein of certain States of the Union, and of the effect that in wisdom and justice, in the opinion and judgment of this respondent, Congress in its legislation and proceedings should give to this political circumstance; and whatsoever he has thus communicated to Congress or addressed to his fellow-citizens or any assemblage thereof this respondent says was and is within and according to his right and privilege as an American citizen and his right and duty as President of the United States.

And this respondent, not waiving or at all disparaging his right of freedom of opinion and of freedom of speech, as hereinbefore or hereinafter more particularly set forth, but claiming and insisting upon the same, further answering the said tenth article, says that the views and opinions expressed by this respondent in his said addresses to the assemblages of his fellow-citizens, as in said articles or in this answer thereto mentioned, are not and were not intended to be other or different from those expressed by him in his communications to Congress—that the eleven States lately in insurrection never had ceased to be States of the Union, and that they were then entitled to representation in Congress by loyal Representatives and Senators as fully as the other States of the Union, and that consequently the Congress as then constituted was not in fact a Congress of all the States, but a Congress of only a part of the States. This respondent, always protesting against the unauthorized exclusion therefrom of the said eleven States, nevertheless gave his assent to all laws passed by said Congress which did not, in his opinion and judgment, violate the Constitution, exercising his constitutional authority of returning bills to said Congress with his objections when they appeared to him to be unconstitutional or inexpedient.

And further, this respondent has also expressed the opinion, both in his communications to Congress and in his addresses to the people, that the policy adopted by Congress in reference to the States lately in insurrection did not tend to peace, harmony, and union, but, on the contrary, did tend to disunion and the permanent disruption of the States, and that in following its said policy laws had been passed by Congress in violation of the fundamental principles of the Government, and which tended to consolidation and despotism; and such being his deliberate opinions, he would have felt himself unmindful of the high duties of his office if he had failed to express them in his communications to Congress or in his addresses to the people when called upon by them to express his opinions on matters of public and political consideration.

And this respondent, further answering the tenth article, says that he has always claimed and insisted, and now claims and insists, that both in the personal and private capacity of a citizen of the United States and in the political relations of the President of the United States to the people of the United States, whose servant, under the duties and responsibilities of the Constitution of the United States, the President of the United States is and should always remain, this respondent had and has the full right, and in his office of President of the United States is held to the high duty, of forming, and on fit occasions expressing, opinions of and concerning the legislation of Congress, proposed or completed, in respect of its wisdom, expediency, justice, worthiness, objects, purposes, and public and political motives and tendencies, and within and as a part of such right and duty to form, and on fit occasions to express, opinions of and concerning the public character and conduct, views, purposes, objects, motives, and tendencies of all men engaged in the public service, as well in Congress as otherwise, and under no other rules or limits upon this right of freedom of opinion and of freedom of speech, or of responsibility and amenability for the actual exercise of such freedom of opinion and freedom of speech, than attend upon such rights and their exercise on the part of all other citizens of the United States and on the part of all their public servants.

And this respondent, further answering said tenth article, says that the several occasions on which, as is alleged in the several specifications of said article, this respondent addressed his fellow-citizens on subjects of public and political considerations were not, nor was any one of them, sought or planned by this respondent, but, on the contrary, each of said occasions arose upon the exercise of a lawful and accustomed right of the people of the United States to call upon their public servants and express to them their opinions, wishes, and feelings upon matters of public and political consideration, and to invite from such their public servants an expression of their opinions, views, and feelings on matters of public and political consideration; and this respondent claims and insists before this honorable court, and before all the people of the United States, that of or concerning this his right of freedom of opinion and of freedom of speech, and this his exercise of such rights on all matters of public and political consideration, and in respect of all public servants or persons whatsoever engaged in or connected therewith, this respondent, as a citizen or as President of the United States, is not subject to question, inquisition, impeachment, or inculpation in any form or manner whatsoever.

And this respondent says that neither the said tenth article nor any specification thereof nor any allegation therein contained touches or relates to any official act or doing of this respondent in the office of President of the United States or in the discharge of any of its constitutional or legal duties or responsibilities; but said article and the specifications and allegations thereof, wholly and in every part thereof, question only the discretion or propriety of freedom of opinion or freedom of speech as exercised by this respondent as a citizen of the United States in his personal right and capacity, and without allegation or imputation against this respondent of the violation of any law of the United States touching or relating to freedom of speech or its exercise by the citizens of the United States or by this respondent as one of the said citizens or otherwise; and he denies that by reason of any matter in said article or its specifications alleged he has said or done anything indecent or unbecoming in the Chief Magistrate of the United States, or that he has brought the high office of President of the United States into contempt, ridicule, or disgrace, or that he has committed or has been guilty of a high misdemeanor in office.

Answer to Article XI.—And in answer to the eleventh article this respondent denies that on the 18th day of August, in the year 1866, at the city of Washington, in the District of Columbia, he did, by public speech or otherwise, declare or affirm, in substance or at all, that the Thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, or that he did then and there declare or affirm that the said Thirty-ninth Congress was a Congress of only part of the States in any sense or meaning other than that ten States of the Union were denied representation therein, or that he made any or either of the declarations or affirmations in this behalf in the said article alleged as denying or intending to deny that the legislation of said Thirty-ninth Congress was valid or obligatory upon this respondent except so far as this respondent saw fit to approve the same; and as to the allegation in said article that he did thereby intend or mean to be understood that the said Congress had not power to propose amendments to the Constitution, this respondent says that in said address he said nothing in reference to the subject of amendments of the Constitution, nor was the question of the competency of the said Congress to propose such amendments, without the participation of said excluded States, at the time of said address in any way mentioned or considered or referred to by this respondent, nor in what he did say had he any intent regarding the same; and he denies the allegations so made to the contrary thereof. But this respondent, in further answer to and in respect of the said allegations of the said eleventh article hereinbefore traversed and denied, claims and insists upon his personal and official right of freedom of opinion and freedom of speech, and his duty in his political relations as President of the United States to the people of the United States in the exercise of such freedom of opinion and freedom of speech, in the same manner, form, and effect as he has in this behalf stated the same in his answer to the said tenth article, and with the same effect as if he here repeated the same; and he further claims and insists, as in said answer to said tenth article he has claimed and insisted, that he is not subject to question, inquisition, impeachment or inculpation, in any form or manner, of or concerning such rights of freedom of opinion or freedom of speech, or his said alleged exercise thereof.

And this respondent further denies that on the 21st day of February, in the year 1868, or at any other time, at the city of Washington, in the District of Columbia, in pursuance of any such declaration as in that behalf in said eleventh article alleged, or otherwise, he did unlawfully, and in disregard of the requirement of the Constitution that he should take care that the laws should be faithfully executed, attempt to prevent the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, by unlawfully devising or contriving, or attempting to devise or contrive, means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of Secretary for the Department of War, or by unlawfully devising or contriving, or attempting to devise or contrive, means to prevent the execution of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1868, and for other purposes," approved March 2, 1867, or to prevent the execution of an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867.

And this respondent, further answering the said eleventh article, says that he has in his answer to the first article set forth in detail the acts, steps, and proceedings done and taken by this respondent to and toward or in the matter of the suspension or removal of the said Edwin M. Stanton in or from the office of Secretary for the Department of War, with the times, modes, circumstances, intents, views, purposes, and opinions of official obligations and duty under and with which such acts, steps, and proceedings were done and taken; and he makes answer to this eleventh article of the matters in his answer to the first article pertaining to the suspension or removal of said Edwin M. Stanton, to the same intent and effect as if they were here repeated and set forth.

And this respondent, further answering the said eleventh article, denies that by means or reason of anything in said article alleged this respondent, as President of the United States, did, on the 21st day of February, 1868, or at any other day or time, commit or that he was guilty of a high misdemeanor in office.

And this respondent, further answering the said eleventh article, says that the same and the matters therein contained do not charge or allege the commission of any act whatever by this respondent in his office of President of the United States, nor the omission by this respondent of any act of official obligation or duty in his office of President of the United States; nor does the said article nor the matters therein contained name, designate, describe, or define any act or mode or form of attempt, device, contrivance, or means, or of attempt at device, contrivance, or means, whereby this respondent can know or understand what act or mode or form of attempt, device, contrivance, or means, or of attempt at device, contrivance, or means, are imputed to or charged against this respondent in his office of President of the United States, or intended so to be, or whereby this respondent can more fully or definitely make answer unto the said article than he hereby does.

And this respondent, in submitting to this honorable court this his answer to the articles of impeachment exhibited against him, respectfully reserves leave to amend and add to the same from time to time, as may become necessary or proper, and when and as such necessity and propriety shall appear.

ANDREW JOHNSON.

HENRY STANBERY,
B. R. CURTIS,
THOMAS A. R. NELSON,
WILLIAM M. EVARTS,
W. S. GROESBECK,
Of Counsel.

[For Exhibits A and B see veto message of March 2, 1867, pp. 492–498 and special message of December 12, 1867, pp. 583–594.]

EXHIBIT C.

ADDRESS TO THE PRESIDENT BY HON. REVERDY JOHNSON, AUGUST, 18, 1866.

MR. PRESIDENT: We are before you as a committee of the National Union Convention, which met in Philadelphia on Tuesday, the 14th instant, charged with the duty of presenting you with an authentic copy of its proceedings.

Before placing it in your hands you will permit us to congratulate you that in the object for which the convention was called, in the enthusiasm with which in every State and Territory the call was responded to, in the unbroken harmony of its deliberations, in the unanimity with which the principles it has declared were adopted, and more especially in the patriotic and constitutional character of the principles themselves, we are confident that you and the country will find gratifying and cheering evidence that there exists among the people a public sentiment which renders an early and complete restoration of the Union as established by the Constitution certain and inevitable. Party faction, seeking the continuance of its misrule, may momentarily delay it, but the principles of political liberty for which our fathers successfully contended, and to secure which they adopted the Constitution, are so glaringly inconsistent with the condition in which the country has been placed by such misrule that it will not be permitted a much longer duration.

We wish, Mr. President, you could have witnessed the spirit of concord and brotherly affection which animated every member of the convention. Great as your confidence has ever been in the intelligence and patriotism of your fellow-citizens, in their deep devotion to the Union and their present determination to reinstate and maintain it, that confidence would have become a positive conviction could you have seen and heard all that was done and said upon the occasion. Every heart was evidently full of joy; every eye beamed with patriotic animation; despondency gave place to the assurance that, our late dreadful civil strife ended, the blissful reign of peace, under the protection, not of arms, but of the Constitution and laws, would have sway, and be in every part of our land cheerfully acknowledged and in perfect good faith obeyed. You would not have doubted that the recurrence of dangerous domestic insurrections in the future is not to be apprehended.

If you could have seen the men of Massachusetts and South Carolina coming into the convention on the first day of its meeting hand in hand, amid the rapturous applause of the whole body, awakened by heartfelt gratification at the event, filling the eyes of thousands with tears of joy, which they neither could nor desired to repress, you would have felt, as every person present felt, that the time had arrived when all sectional or other perilous dissensions had ceased, and that nothing should be heard in the future but the voice of harmony proclaiming devotion to a common country, of pride in being bound together by a common Union, existing and protected by forms of government proved by experience to be eminently fitted for the exigencies of either war or peace.

In the principles announced by the convention and in the feeling there manifested we have every assurance that harmony throughout our entire land will soon prevail. We know that as in former days, as was eloquently declared by Webster, the nation's most gifted statesman, Massachusetts and South Carolina went "shoulder to shoulder through the

Revolution'' and stood hand in hand ''around the Administration of Washington and felt his own great arm lean on them for support,'' so will they again, with like magnanimity, devotion, and power, stand round your Administration and cause you to feel that you may also lean on them for support.

In the proceedings, Mr. President, which we are to place in your hands you will find that the convention performed the grateful duty imposed upon them by their knowledge of your ''devotion to the Constitution and laws and interests of your country,'' as illustrated by your entire Presidential career, of declaring that in you they ''recognize a Chief Magistrate worthy of the nation and equal to the great crisis upon which your lot is cast;'' and in this declaration it gives us marked pleasure to add we are confident that the convention has but spoken the intelligent and patriotic sentiment of the country. Ever inaccessible to the low influences which often control the mere partisan, governed alone by an honest opinion of constitutional obligations and rights and of the duty of looking solely to the true interests, safety, and honor of the nation, such a class is incapable of resorting to any bait for popularity at the expense of the public good.

In the measures which you have adopted for the restoration of the Union the convention saw only a continuance of the policy which for the same purpose was inaugurated by your immediate predecessor. In his reelection by the people, after that policy had been fully indicated and had been made one of the issues of the contest, those of his political friends who are now assailing you for sternly pursuing it are forgetful or regardless of the opinions which their support of his reelection necessarily involved. Being upon the same ticket with that much-lamented public servant, whose foul assassination touched the heart of the civilized world with grief and horror. you would have been false to obvious duty if you had not endeavored to carry out the same policy; and, judging now by the opposite one which Congress has pursued, its wisdom and patriotism are indicated by the fact that that of Congress has but continued a broken Union by keeping ten of the States in which at one time the insurrection existed (as far as they could accomplish it) in the condition of subjugated provinces, denying to them the right to be represented, while subjecting their people to every species of legislation, including that of taxation. That such a state of things is at war with the very genius of our Government, inconsistent with every idea of political freedom, and most perilous to the peace and safety of the country no reflecting man can fail to believe.

We hope, sir, that the proceedings of the convention will cause you to adhere, if possible, with even greater firmness to the course which you are pursuing, by satisfying you that the people are with you, and that the wish which lies nearest to their heart is that a perfect restoration of our Union at the earliest moment be attained, and a conviction that the result can only be accomplished by the measures which you are pursuing. And in the discharge of the duties which these impose upon you we, as did every member of the convention, again for ourselves individually tender to you our profound respect and assurance of our cordial and sincere support.

With a reunited Union, with no foot but that of a freeman treading or permitted to tread our soil, with a nation's faith pledged forever to a strict observance of all its obligations, with kindness and fraternal love everywhere prevailing, the desolations of war will soon be removed; its sacrifices of life, sad as they have been, will, with Christian resignation, be referred to a providential purpose of fixing our beloved country on a firm and enduring basis, which will forever place our liberty and happiness beyond the reach of human peril.

Then, too, and forever, will our Government challenge the admiration and receive the respect of the nations of the world, and be in no danger of any efforts to impeach our honor.

And permit me, sir, in conclusion, to add that, great as is your solicitude for the restoration of our domestic peace and your labors to that end, you have also a watchful eye to the rights of the nation, and that any attempt by an assumed or actual foreign power to enforce an illegal blockade against the Government or citizens of the United States, to use your own mild but expressive words, "will be disallowed." In this determination I am sure you will receive the unanimous approval of your fellow-citizens.

Now, sir, as the chairman of this committee, and in behalf of the convention, I have the honor to present you with an authentic copy of its proceedings.

Counsel for the respondent submitted the following motion:

To the Senate of the United States sitting as a court of impeachment:

And now, on this 23d day of March, in the year 1868, the counsel for the President of the United States, upon reading and filing his answer to the articles of impeachment exhibited against him, respectfully represent to the honorable court that after the replication shall have been filed to the said answer the due and proper preparation of and for the trial of the cause will require, in the opinion and judgment of such counsel, that a period of not less than thirty days should be allowed to the President of the United States and his counsel for such preparation, and before the said trial should proceed.

HENRY STANBERY,
B. R. CURTIS,
THOMAS A. R. NELSON,
WM. M. EVARTS,
W. S. GROESBECK,
Of Counsel.

TUESDAY, MARCH 24, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

REPLICATION BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES TO THE ANSWER OF ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES, TO THE ARTICLES OF IMPEACHMENT EXHIBITED AGAINST HIM BY THE HOUSE OF REPRESENTATIVES.

The House of Representatives of the United States have considered the several answers of Andrew Johnson, President of the United States, to the several articles of impeachment against him, by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantage of exception to the insufficiency of his answer to each and all of the several articles of impeachment exhibited against said Andrew Johnson, President of the United States, do deny each and every averment in said several answers, or either of them, which denies or traverses the acts, intents, crimes, or misdemeanors charged against said Andrew Johnson in the said articles of impeachment, or either of them, and for replication to the said answer do say that said Andrew Johnson, President of the United States, is guilty of the high crimes and misdemeanors mentioned in said articles, and that the House of Representatives are ready to prove the same.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
EDW'D McPHERSON,
Clerk of the House of Representatives.

The motion of the counsel for the respondent, submitted on March 23, "that a period of not less than thirty days should be allowed to the President of the United States and his counsel for such preparation and before the said trial should proceed," was denied, and it was

Ordered, That the Senate will commence the trial of the President upon the articles of impeachment exhibited against him on Monday, the 30th of March instant, and proceed therein with all convenient dispatch under the rules of the Senate sitting upon the trial of an impeachment.

MONDAY, MAY 11, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

The Chief Justice stated that in compliance with the desire of the Senate he had prepared the question to be addressed to Senators upon each article of impeachment, and that he had reduced his views thereon to writing, which he read, as follows:

SENATORS: In conformity with what seemed to be the general wish of the Senate when it adjourned last Thursday, the Chief Justice, in taking the vote on the articles of impeachment, will adopt the mode sanctioned by the practice in the cases of Chase, Peck, and Humphreys.

He will direct the Secretary to read the several articles successively, and after the reading of each article will put the question of guilty or not guilty to each Senator, rising in his place, in the form used in the case of Judge Chase:

> Mr. Senator ——, how say you? Is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor, as charged in this article?

In putting the question on Articles IV and VI, each of which charges a crime, the word "crime" will be substituted for the word "misdemeanor."

The Chief Justice has carefully considered the suggestion of the Senator from Indiana (Mr. Hendricks), which appeared to meet the approval of the Senate, that in taking the vote on the eleventh article the question should be put on each clause, and has found himself unable to divide the article as suggested. The article charges several facts, but they are so connected that they make but one allegation and they are charged as constituting one misdemeanor.

The first fact charged is, in substance, that the President publicly declared in August, 1866, that the Thirty-ninth Congress was a Congress of only part of the States and not a constitutional Congress, intending thereby to deny its constitutional competency to enact laws or propose amendments of the Constitution; and this charge seems to have been made as introductory, and as qualifying that which follows, namely, that the President, in pursuance of this declaration, attempted to prevent the execution of the tenure-of-office act by contriving and attempting to contrive means to prevent Mr. Stanton from resuming the functions of Secretary of War after the refusal of the Senate to concur in his suspension, and also by contriving and attempting to contrive means to prevent the execution of the appropriation act of March 2, 1867, and also to prevent the execution of the rebel States governments act of the same date.

The gravamen of the article seems to be that the President attempted to defeat the execution of the tenure-of-office act, and that he did this in pursuance of a declaration which was intended to deny the constitutional competency of Congress to enact laws or propose constitutional amendments, and by contriving means to prevent Mr. Stanton from resuming his office of Secretary, and also to prevent the execution of the appropriation act and the rebel States governments act.

The single substantive matter charged is the attempt to prevent the execution of the tenure-of-office act, and the other facts are alleged either as introductory and exhibiting this general purpose or as showing the means contrived in furtherance of that attempt.

This single matter, connected with the other matters previously and subsequently alleged, is charged as the high misdemeanor of which the President is alleged to have been guilty.

The general question, guilty or not guilty of a high misdemeanor as charged, seems fully to cover the whole charge, and will be put as to this article as well as to the others, unless the Senate direct some mode of division.

In the tenth article the division suggested by the Senator from New York (Mr. Conkling) may be more easily made. It contains a general allegation to the effect that on the 18th of August and on other days the President, with intent to set aside the rightful authority of Congress and bring it into contempt, delivered certain scandalous harangues, and therein uttered loud threats and bitter menaces against Congress and the laws of the United States enacted by Congress, thereby bringing the office of President into disgrace, to the great scandal of all good citizens, and sets forth in three distinct specifications the harangues, threats, and menaces complained of.

In respect to this article, if the Senate sees fit so to direct, the question of guilty or not guilty of the facts charged may be taken in respect to the several specifications, and then the question of guilty or not guilty of a high misdemeanor, as charged in the article, can also be taken.

The Chief Justice, however, sees no objection to putting the general question on this article in the same manner as on the others; for, whether particular questions be put on the specifications or not, the answer to the final question must be determined by the judgment of the Senate whether or not the facts alleged in the specifications have been sufficiently proved, and whether, if sufficiently proved, they amount to a high misdemeanor within the meaning of the Constitution.

On the whole, therefore, the Chief Justice thinks that the better practice will be to put the general question on each article without attempting to make any subdivision, and will pursue this course if no objection is made. He will, however, be pleased to conform to such directions as the Senate may see fit to give in this respect.

Whereupon it was

Ordered, That the question be put as proposed by the Presiding Officer of the Senate, and each Senator shall rise in his place and answer "guilty" or "not guilty" only.

SATURDAY, MAY 16, 1868.

The United States *vs.* Andrew Johnson, President.

The Chief Justice stated that, in pursuance of the order of the Senate, he would first proceed to take the judgment of the Senate on the eleventh article. The roll of the Senate was called, with the following result:

The Senators who voted "guilty" are Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Howe, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Patterson of New Hampshire, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Wade, Williams, Willey, Wilson, and Yates—35.

The Senators who voted "not guilty" are Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fessenden, Fowler, Grimes, Henderson, Hendricks, Johnson, McCreery, Norton, Patterson of Tennessee, Ross, Saulsbury, Trumbull, Van Winkle, and Vickers—19.

The Chief Justice announced that upon this article thirty-five Senators had voted "guilty" and nineteen Senators "not guilty," and declared that two-thirds of the Senators present not having pronounced him guilty, Andrew Johnson, President of the United States, stood acquitted of the charges contained in the eleventh article of impeachment.

TUESDAY, MAY 26, 1868.

THE UNITED STATES *vs.* ANDREW JOHNSON, PRESIDENT.

The Senate ordered that the vote be taken upon the second article of impeachment. The roll of the Senate was called, with the following result:

The Senators who voted "guilty" are Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Howe, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Patterson of New Hampshire, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Wade, Willey, Williams, Wilson, and Yates—35.

The Senators who voted "not guilty" are Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fessenden, Fowler, Grimes, Henderson, Hendricks, Johnson, McCreery, Norton, Patterson of Tennessee, Ross, Saulsbury, Trumbull, Van Winkle, and Vickers—19.

The Chief Justice announced that upon this article thirty-five Senators had voted "guilty" and nineteen Senators had voted "not guilty," and declared that two-thirds of the Senators present not having pronounced him guilty, Andrew Johnson, President of the United States, stood acquitted of the charges contained in the second article of impeachment.

The Senate ordered that the vote be taken upon the third article of impeachment. The roll of the Senate was called, with the following result:

The Senators who voted "guilty" are Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Conness, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Howe, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Patterson of New Hampshire, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Wade, Willey, Williams, Wilson, and Yates—35.

The Senators who voted "not guilty" are Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fessenden, Fowler, Grimes, Henderson, Hendricks, Johnson, McCreery, Norton, Patterson of Tennessee, Ross, Saulsbury, Trumbull, Van Winkle, and Vickers—19.

The Chief Justice announced that upon this article thirty-five Senators had voted "guilty" and nineteen Senators had voted "not guilty," and declared that two-thirds of the Senators present not having pronounced him guilty, Andrew Johnson, President of the United States, stood acquitted of the charges contained in the third article.

No objection being made, the secretary, by direction of the Chief Justice, entered the judgment of the Senate upon the second, third, and eleventh articles, as follows:

The Senate having tried Andrew Johnson, President of the United States, upon articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present not having found him guilty of the charges contained in the second, third, and eleventh articles of impeachment, it is therefore

Ordered and adjudged, That the said Andrew Johnson, President of the United States, be, and he is, acquitted of the charges in said articles made and set forth.

A motion "that the Senate sitting for the trial of the President upon articles of impeachment do now adjourn without day" was adopted by a vote of 34 yeas to 16 nays.

Those who voted in the affirmative are Messrs. Anthony, Cameron, Cattell, Chandler, Cole, Conkling, Corbett, Cragin, Drake, Edmunds, Ferry, Frelinghuysen, Harlan, Howard, Morgan, Morrill of Maine, Morrill of Vermont, Morton, Nye, Patterson of New Hampshire, Pomeroy, Ramsey, Sherman, Sprague, Stewart, Sumner, Thayer, Tipton, Van Winkle, Wade, Willey, Williams, Wilson, and Yates.

Those who voted in the negative are Messrs. Bayard, Buckalew, Davis, Dixon, Doolittle, Fowler, Henderson, Hendricks, Johnson, McCreery, Norton, Patterson of Tennessee, Ross, Saulsbury, Trumbull, and Vickers.

The Chief Justice declared the Senate sitting as a court of impeachment for the trial of Andrew Johnson, President of the United States, upon articles of impeachment exhibited against him by the House of Representatives, adjourned without day.

ADDENDA.

[An injunction of secrecy having been placed upon the following messages by the Senate, they were not printed in the Executive Journal covering their period, but were found in the unprinted Executive Journal of the Forty-first Congress while searching for copy for Volume VII, and consequently too late for insertion in their proper places in this volume.]

WASHINGTON, *January 29, 1869.*

To the Senate:

Referring to the three Executive communications of the 15th instant, with which were transmitted to the Senate, respectively, a copy of a convention between the United States and Great Britain upon the subject of claims, a copy of a convention between the same parties in relation to the question of boundary, and a protocol of a treaty between the same parties concerning the rights of naturalized citizens and subjects of the respective parties, I now transmit a copy of such correspondence upon those subjects as has not been heretofore communicated to the Senate.

In the progress of the negotiation the three subjects became to such a degree associated with each other that it would be difficult to present separately the correspondence upon each. The papers are therefore transmitted in the order in which they are mentioned in the accompanying list.

ANDREW JOHNSON.

WASHINGTON, *January 30, 1869.*

To the Senate of the United States:

Referring to the Executive communication of the 15th instant, which was accompanied by a copy of a convention between the United States and Great Britain for the settlement of all outstanding claims, I now transmit to the Senate the original of that instrument, and a report of the Secretary of State pointing out the differences between the copy as submitted to the Senate and the original as signed by the plenipotentiaries.

ANDREW JOHNSON.

WASHINGTON, *January 30, 1869.*

To the Senate of the United States:

Referring to the Executive communication of the 15th instant, which was accompanied by a copy of a convention between the United States and Great Britain providing for the reference to an arbiter of the question of difference between the United States and Great Britain concerning the northwest line of water boundary between the United States and the British possessions in North America, I now transmit to the Senate the original of that instrument, and a report of the Secretary of State pointing out the differences between the copy as submitted to the Senate and the original as signed by the plenipotentiaries.

ANDREW JOHNSON.

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QUESTIONS.

1. What methods are provided for amending the Constitution? Pages 3841, 3589.

2. How is the District of Columbia governed? Page 3652.

3. What was the cause of the impeachment trial of President Johnson? Page 3907.

4. What were the Alabama Claims? Page 3655.

5. What was the President's view as to subsidies to ocean mail steamship lines? Page 3561.

SUGGESTIONS.

The purchase of Alaska was one of the important events during Johnson's administration. Pages 3778, 3886. (See Alaska, with references, Encyclopedic Index.)

The Tenure-of-Office Act (q. v., with references, Encyclopedic Index) marked an important reform.

Reconstruction presented the chief problem of the administration. (See Reconstruction, Reconstruction Acts and Reconstruction of Southern States, with references, Encyclopedic Index.)

The most prominent historical event was the impeachment trial. Pages 3907, 3916, 3918, 3926, 3951. (See Impeachment, Encyclopedic Index.)

Johnson proclaimed final and absolute amnesty for all participants in the Rebellion. Page 3906. (See Amnesty and Pardons, Encyclopedic Index.)

Read Johnson's Foreign Policy. Pages 3564, 3581, 3777, 3886, 3888.

NOTE.

For further suggestions on Johnson's administration, see Johnson, Andrew, Encyclopedic Index.

By reading the Foreign Policy of each President, and by scanning the messages as to the state of the nation, a thorough knowledge of the history of the United States will be acquired from the most authentic sources; because, as has been said, "Each President reviews the past, depicts the present and forecasts the future of the nation."

Ulysses S. Grant

March 4, 1869, to March 4, 1877

SEE ENCYCLOPEDIC INDEX.

The Encyclopedic Index is not only an index to the other volumes, not only a key that unlocks the treasures of the entire publication, but it is in itself an alphabetically arranged brief history or story of the great controlling events constituting the History of the United States.

Under its proper alphabetical classification the story is told of every great subject referred to by any of the Presidents in their official Messages, and at the end of each article the official utterances of the Presidents themselves are cited upon the subject, so that you may readily turn to the page in the body of the work itself for this original information.

Next to the possession of knowledge is the ability to turn at will to where knowledge is to be found.

BIRTHPLACE OF PRESIDENT GRANT

With reproduction of official portrait, by LeClaire, from the White House Collection

U. S. Grant.

GRANT

Ulysses Simpson Grant will be remembered by future generations as the greatest soldier of the Nineteenth Century. His achievements as an American soldier will be remembered by the world after his career as an American President shall be forgotten. I do not mean to intimate that he did not make a good President. General Grant's opportunity came to him as a soldier, while Abraham Lincoln's came to him as President. Lincoln had the opportunity and gained immortality by a steadfast devotion to the Constitution, the Union and Liberty; while Grant as the great captain of an army of a million men, struck the blows that conquered rebellion, saved the Union and made certain the freedom of the slaves in the United States.

The distinguished characteristic of General Grant was his capacity to see and determine what should be done in war as in peace, followed by an untiring, persistent, unwavering courage to do it. He never vacillated nor wavered. He was modest, almost as a maiden, yet conscious of his capacity and strength. When President Lincoln inquired of him how he was getting along in the battle of the Wilderness he answered, "I will fight it out on this line if it takes all summer." He had determined that the war should end then and there, in victory for the Union army, and in saving the Union. Supplies, munitions and men were furnished him; the Confederate army was beaten and Lee surrendered at Appomattox.

My first knowledge of General Grant was in the spring of 1861, when he came to Springfield, Illinois, to tender his services to Governor Yates as a soldier in the cause of the Union. It was some little time before he was given a command. Finally, he was commissioned by the Governor as colonel of the Twenty-first Illinois.

General Grant's career as a soldier was one of victory, and by the common consent of soldiers and civilians, he became the one man entitled to the highest rank and honors, that the Nation he did so much to save, could bestow. He never appeared ambitious for honors or promotions. He never stood in the way of his comrades in arms. He rather sought to do justice by all. He was called the "Silent Man," and he was, in the army. He believed in action, in "moving on the enemy's works;" "the immediate surrender of the enemy."

I had the good fortune to see General Grant often from the close of the Civil War until his death. In his private and public life he was remarkable for his simplicity of manner and confiding disposition with those he knew. He was silent with strangers or with men he doubted. His faith in men came near involving him in trouble and embarrassment.

He loved his family, and trusted fully those whom he believed to be his friends. While General Grant was known as the "Silent Man" in the army, socially he was one of the most charming talkers I ever knew.

As President of the United States, General Grant was faithful to his trust. He had to deal with questions of reconstruction which followed the close of the Civil War, and which were, perhaps, as difficult of solution as any in our National history. In his first message to Congress he declared that "three things were essential to peace, prosperity and fullest development of the Nation. First, integrity in fulfilling all our obligations; second, to secure protection to the person and property of the citizen of the United States, wherever he may choose to move without reference to original nationality, religion, color or politics, demanding of the citizen obedience to law; third, union of all States, with equal rights, indestructible by any constitutional means."

President Grant urged upon Congress the importance to the United States of acquiring the island of San Domingo. He regarded it as very desirable on account of the richness of its soil and of its geographical position. As President, he made a treaty with San Domingo, which he submitted to the Senate, which failed of ratification, and it called forth the bitter opposition led by an eminent Senator from Massachusetts as the policy of a later Administration in relation to the Philippines has met with the strong opposition of another eminent Senator from that State.

From the beginning of his first Administration, he never wavered in a determination to protect the country from the greenback craze and to bring the country after the war and its consequent vast indebtedness, to sound money and resumption. During the period between the passage of the Resumption Act of 1875, providing for resumption on January 1, 1879, there was much excitement among the people and charges by good men that an attempt to resume would embarrass and, in fact, ruin the people. Yet when the day for resumption came it did not produce any disturbance whatever, and when the day passed conditions at once began to improve and the Nation's credit at home and abroad was strengthened.

General Grant was a great patriot, a great soldier, and a great President, who after Washington and Lincoln, was the Chief Magistrate during the most difficult period in our Nation's history.

WB Allison,

JULIA DENT GRANT

Julia Dent, in 1844, became engaged to Lieut. Grant. The Mexican war separated them, but they married in 1848. Years of failure and poverty followed, but her faith in his ability survived, and when his military prowess made him famous, she shared his triumphs. Later, as the President's wife, she was most hospitable, entertaining extensively in private as well as in public life, making Grant's administrations socially very notable. When his term expired, General and Mrs. Grant journeyed around the world and met with a continuous ovation. A special feature of it was the dinner given to Mrs. Grant by the wife of China's Viceroy, which was the first of its kind. During her husband's last illness she was his constant nurse, and was always an adored mother. Her remains, with those of her husband, share the famous mausoleum, built as a memorial to him, on Riverside Drive, New York City, the site of which she herself chose.

Ulysses S. Grant

Ulysses S. Grant was born at Point Pleasant, Clermont County, Ohio, April 27, 1822. He was of Scotch ancestry, but his family had been American in all its branches for several generations. Was a descendant of Mathew Grant, who arrived at Dorchester, Mass., in May, 1630. His father was Jesse R. Grant and his mother Hannah Simpson; they were married in Clermont County, Ohio, in June, 1821. In the fall of 1823 his parents removed to Georgetown, the county seat of Brown County, Ohio. Ulysses, the eldest of six children, spent his boyhood in assisting his father on the farm, which was more congenial than working in the tannery of which his father was proprietor. From an early age until 17 years old attended the subscription schools of Georgetown, except during the winters of 1836–37 and 1838–39, which were spent at schools in Maysville, Ky., and Ripley, Ohio. In the spring of 1839, at the age of 17, was appointed to a cadetship in the Military Academy at West Point by Thomas L. Hamer, a Member of Congress, and entered the Academy July 1, 1839. The name given him at birth was Hiram Ulysses, but he was always called by his middle name. Mr. Hamer, thinking Ulysses his first name, and that his middle name was probably that of his mother's family, inserted in the official appointment the name of Ulysses S. Grant. The officials of the Academy were notified by Cadet Grant of the error, but they did not feel authorized to correct it, and it was acquiesced in and became the name by which he was always known. Graduated from the Academy in 1843, twenty-first in a class of thirty-nine members. Was attached to the Fourth United States Infantry as brevet second lieutenant July 1, 1843; was appointed second lieutenant, Seventh Infantry, September 30, 1845, and transferred to the Fourth Infantry November 15, 1845. During the Mexican War (1846–1848) took part with his regiment in active service, and was in all the battles fought by Generals Scott and Taylor except that of Buena Vista. Was brevetted for gallant conduct at the battles of Palo Alto and Resaca de la Palma, but declined the honor. At the battle of Monterey distinguished himself by volunteering to run the gantlet and bring ammunition for the troops into the city. September 8, 1847, was appointed brevet first lieutenant for gallant conduct at Molino del Rey. Acted as regimental quartermaster April 1, 1847, to July 23, 1848, and from November 17, 1848, to August 5, 1853. September 13, 1847, was brevetted captain for gallant conduct at the battle of Chapultepec, and on September 16 was appointed first lieutenant. At San Cosme was mentioned in special orders by his commanders—regimental, brigade, and division. After the Mexican War his regiment was sent to Pascagoula, Miss., and afterwards to Sacketts Harbor, N. Y., and Detroit, Mich. August 22, 1848, married Miss Julia Dent, of St. Louis, Mo. In 1852 his regiment was sent to the Pacific Coast. August 5, 1853, was appointed captain. Resigned July 31, 1854, and went to live on a farm near St. Louis, but in 1858 gave up farming on account of his health, and entered into the real-estate business in St. Louis. In May, 1860, removed to Galena, Ill., and became a clerk in his father's store. In April, 1861, after President Lincoln's call for troops, presided at a public meeting in Galena, which resulted in the organization of a company of volunteers, which he drilled and accompanied to Springfield, Ill. Was employed by Governor Yates in the adjutant-general's office, and appointed mustering officer. Offered his services to the National Government in a letter written May 24, 1861, but no answer was ever made to it. June 17, 1861, was appointed colonel of the Twenty-first Illinois Volunteers, and served until August 7, when he was appointed brigadier-general of volunteers by the President, his commission to date from May 17, 1861. Was assigned September 1 to command the District of Southeastern Missouri. September 4 established his headquarters at Cairo, and on the 6th captured Paducah, Ky. February 2, 1862, advanced from Cairo; on the 6th captured Fort Henry, and on the 16th Fort Donelson. Soon afterwards was made a major-general of volunteers, his commission dating from February 16. March 4 was relieved from his command and ordered to remain at Fort Henry, but on the 13th was restored. Commanded at the battle of Shiloh, April 6 and 7, 1862. General Halleck on April 11 assumed command of the combined armies, and General Grant became second in command during the advance upon and the siege of Corinth. In July Halleck became general in chief of all the armies, and General Grant was placed in command of the District of West Tennessee. In September fought the battle of Iuka, Miss., and in October the battle of Corinth. January 29, 1863, moved down the Mississippi River and took command of the troops opposite Vicksburg. On March 29 sent one corps of his army across the peninsula opposite Vicksburg, and on April 16 ran the batteries with seven gunboats and three transports. April 22 six other transports ran the batteries. His army was now below Vicksburg, and on the 29th bombarded Grand Gulf. May 1 fought the battle at Port Gibson, and on May 3 captured Grand Gulf. May 12 defeated the Confederates at Raymond, and on the 14th captured Jackson, Miss. After several engagements the Confederates were driven by him into Vicksburg, when he began the siege of that city, which was surrendered July 4, 1863. On the same day was commissioned a major-general in the United States Army. In August went to New Orleans to confer with General Banks, and while reviewing the troops there was injured by his horse falling on him. About the middle of October was assigned to the command of the Military Division of the Mississippi, which included Rosecran's army at Chattanooga, Tenn. Arrived at Chattanooga October 23, and the next day issued orders which resulted in the battle of Wauhatchie on the 29th. Attacked the Confederates under General Bragg on November 23, and after three days' fighting captured Missionary Ridge, whereupon the Confederates retreated to Dalton, Ga. For his successes Congress, in December, 1863, passed a resolution of thanks to him and the officers and soldiers of his command, and presented him with a gold medal. The bill restoring the grade of lieutenant-general became a law in February, 1864, and on March 1 he was nominated for the position and was confirmed the succeeding day. On March 12 assumed command of all the armies of the United States, and immediately began the plan of campaign that kept all of the armies in motion until the war ended. About May 4, 1864, this campaign, the greatest of the war, began, and lasted until the surrender of the Confederates in April, 1865. During this period there were fought some of the bloodiest battles of the world. On April 9, 1865, General Lee surrendered his army at Appomattox, Va., to General Grant, who then displayed the greatest magnanimity to the Confederates, and won for himself from his late enemies their warmest gratitude. His magnanimity will always be remembered by the Confederate soldiers, and will stand in history as long as nobility of character shall be appreciated by mankind. On the closing of the war directed his attention to mustering out of service the great army under his command and the disposal of the enormous quantity of stores of the Government. In the discharge of his duties visited different sections of the country and was received everywhere with enthusiasm. The citizens of Philadelphia presented him with a handsome residence in that city; his old neighbors in Galena gave him a pretty home in their town; the people of New York presented to him a check for $105,000. In November and December, 1865, traveled through the Southern States, and made a report to the President upon the conditions there. In May, 1866, submitted a plan to the Government for the reorganization of the Regular Army of the United States, which became the basis of its reorganization. July 25 Congress passed an act creating the grade of general of the armies of the United States, and on the same day he was appointed to this rank. August 12, 1867, was appointed by President Johnson Secretary of War *ad interim*, which position he held until January 14, 1868. At the national convention of the Republican party which met in Chicago on May 20, 1868, was unanimously nominated for President on the first call of States. His letter of acceptance of that nomination was brief, and contained the famous sentence, "Let us have peace." At the election in November was chosen to be President, receiving 214 electoral votes, while Horatio Seymour received 80. Was renominated by his party in national convention in Philadelphia June 6, 1872, and at the election in November received 286 electoral votes, against 66 which would have been cast for Horace Greeley if he had lived. Retired from office March 4, 1877. After his retirement made a journey into foreign countries, and was received with great distinction and pomp by all the governments and peoples he visited. An earnest effort was made to nominate him for a third term, but it failed. By special act of Congress passed March 3, 1885, was placed as general on the retired list of the Army. He died July 23, 1885, at Mount McGregor, N. Y., and was buried at Riverside Park, New York City, on the Hudson River.

FIRST INAUGURAL ADDRESS.

Citizens of the United States:

Your suffrages having elected me to the office of President of the United States, I have, in conformity to the Constitution of our country, taken the oath of office prescribed therein. I have taken this oath without mental reservation and with the determination to do to the best of my ability all that is required of me. The responsibilities of the position I feel, but accept them without fear. The office has come to me unsought; I commence its duties untrammeled. I bring to it a conscious desire and determination to fill it to the best of my ability to the satisfaction of the people.

On all leading questions agitating the public mind I will always express my views to Congress and urge them according to my judgment, and when I think it advisable will exercise the constitutional privilege of interposing a veto to defeat measures which I oppose; but all laws will be faithfully executed, whether they meet my approval or not.

I shall on all subjects have a policy to recommend, but none to enforce against the will of the people. Laws are to govern all alike—those opposed as well as those who favor them. I know no method to secure the repeal of bad or obnoxious laws so effective as their stringent execution.

The country having just emerged from a great rebellion, many questions will come before it for settlement in the next four years which preceding Administrations have never had to deal with. In meeting these it is desirable that they should be approached calmly, without prejudice, hate, or sectional pride, remembering that the greatest good to the greatest number is the object to be attained.

This requires security of person, property, and free religious and political opinion in every part of our common country, without regard to local prejudice. All laws to secure these ends will receive my best efforts for their enforcement.

A great debt has been contracted in securing to us and our posterity the Union. The payment of this, principal and interest, as well as the return to a specie basis as soon as it can be accomplished without material detriment to the debtor class or to the country at large, must be provided for. To protect the national honor, every dollar of Government indebtedness should be paid in gold, unless otherwise expressly stipulated in the contract. Let it be understood that no repudiator of one farthing of our public debt will be trusted in public place, and it will go far toward strengthening a credit which ought to be the best in the world, and will ultimately enable us to replace the debt with bonds bearing less interest than we now pay. To this should be added a faithful collection of the revenue, a strict accountability to the Treasury for every dollar collected, and the greatest practicable retrenchment in expenditure in every department of Government.

When we compare the paying capacity of the country now, with the ten States in poverty from the effects of war, but soon to emerge, I trust, into greater prosperity than ever before, with its paying capacity twenty-five years ago, and calculate what it probably will be twenty-five years hence, who can doubt the feasibility of paying every dollar then with more ease than we now pay for useless luxuries? Why, it looks as though Providence had bestowed upon us a strong box in the precious metals locked up in the sterile mountains of the far West, and which we are now forging the key to unlock, to meet the very contingency that is now upon us.

Ultimately it may be necessary to insure the facilities to reach these riches, and it may be necessary also that the General Government should give its aid to secure this access; but that should only be when a dollar of obligation to pay secures precisely the same sort of dollar to use now, and not before. Whilst the question of specie payments is in abeyance the prudent business man is careful about contracting debts payable in the distant future. The nation should follow the same rule. A prostrate commerce is to be rebuilt and all industries encouraged.

The young men of the country—those who from their age must be its rulers twenty-five years hence—have a peculiar interest in maintaining the national honor. A moment's reflection as to what will be our commanding influence among the nations of the earth in their day, if they are only true to themselves, should inspire them with national pride. All divisions—geographical, political, and religious—can join in this common sentiment. How the public debt is to be paid or specie payments resumed is not so important as that a plan should be adopted and acquiesced in. A united determination to do is worth more than divided counsels upon the method of doing. Legislation upon this subject may not be necessary now, nor even advisable, but it will be when the civil law is more fully restored in all parts of the country and trade resumes its wonted channels.

It will be my endeavor to execute all laws in good faith, to collect all revenues assessed, and to have them properly accounted for and economically disbursed. I will to the best of my ability appoint to office those only who will carry out this design.

In regard to foreign policy, I would deal with nations as equitable law requires individuals to deal with each other, and I would protect the law-abiding citizen, whether of native or foreign birth, wherever his rights are jeopardized or the flag of our country floats. I would respect the rights of all nations, demanding equal respect for our own. If others depart from this rule in their dealings with us, we may be compelled to follow their precedent.

The proper treatment of the original occupants of this land—the Indians—is one deserving of careful study. I will favor any course toward them which tends to their civilization and ultimate citizenship.

The question of suffrage is one which is likely to agitate the public so long as a portion of the citizens of the nation are excluded from its privileges in any State. It seems to me very desirable that this question should be settled now, and I entertain the hope and express the desire that it may be by the ratification of the fifteenth article of amendment to the Constitution.

In conclusion I ask patient forbearance one toward another throughout the land, and a determined effort on the part of every citizen to do his share toward cementing a happy union; and I ask the prayers of the nation to Almighty God in behalf of this consummation.

MARCH 4, 1869.

[NOTE.—The Forty-first Congress, first session, met March 4, 1869, in accordance with the act of January 22, 1867.]

SPECIAL MESSAGES.

WASHINGTON, D. C., *March 6, 1869.*

To the Senate of the United States:

Since the nomination and confirmation of Alexander T. Stewart to the office of Secretary of the Treasury I find that by the eighth section of the act of Congress approved September 2, 1789, it is provided as follows, to wit:

> *And be it further enacted*, That no person appointed to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce; or be owner, in whole or in part, of any sea vessel; or

purchase, by himself or another in trust for him, any public lands or other public property; or be concerned in the purchase or disposal of any public securities of any State or of the United States; or take or apply to his own use any emolument or gain for negotiating or transacting any business in the said Department other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act he shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office and forever thereafter incapable of holding any office under the United States: *Provided*, That if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information.

In view of these provisions and the fact that Mr. Stewart has been unanimously confirmed by the Senate, I would ask that he be exempted by joint resolution of the two Houses of Congress from the operations of the same.

U. S. GRANT.

WASHINGTON, *March 9, 1869.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 5th instant, a report from the Secretary of State, communicating a list of the public and private acts and resolutions passed at the third session of the Fortieth Congress which have become laws, either by approval or otherwise.

U. S. GRANT.

WASHINGTON, *March 9, 1869.*

To the Senate of the United States:

I have the honor to request to be permitted to withdraw from the Senate of the United States my message of the 6th instant, requesting the passage of a joint resolution of the two Houses of Congress to relieve the Secretary of the Treasury from the disabilities imposed by section 8 of the act of Congress approved September 2, 1789.

U. S. GRANT.

WASHINGTON, *March 15, 1869.*

To the Senate and House of Representatives:

I invite the attention of Congress to the accompanying communication* of this date, which I have received from the Secretary of the Interior.

U. S. GRANT.

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*Report of the Government directors of the Union Pacific Railroad relative to an injunction issued by Judge Barnard, of the supreme court of the city of New York, restraining and prohibiting an election of officers or directors on the day directed by the law of December 20, 1867.

WASHINGTON, *March 16, 1869.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 11th instant, asking if the first installment due from the Government of Venezuela pursuant to the convention of April 25, 1866, has been paid, I transmit a report from the Secretary of State, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *March 24, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 1st instant, a report from the Secretary of State, together with accompanying papers.*

U. S. GRANT.

WASHINGTON, *March 29, 1869.*

To the Senate of the United States:

In compliance with the request contained in the resolution of the Senate of the 17th instant, in regard to certain correspondence† between James Buchanan, then President of the United States, and Lewis Cass, Secretary of State, I transmit a report from the Department of State, which is accompanied by a copy of the correspondence referred to.

U. S. GRANT.

WASHINGTON, *March 31, 1869.*

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 30th of January last, calling for the papers relative to the claim of Owen Thorn and others against the British Government, I transmit a report from the Secretary of State, together with copies of the papers referred to in said resolution.

U. S. GRANT.

WASHINGTON, *April 3, 1869.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 28th of January last, requesting information concerning the destruction during the late war by rebel vessels of certain merchant vessels of the United States, and concerning the damages and claims resulting therefrom, I transmit a report from the Secretary of State and the tabular statement which accompanied it.

U. S. GRANT.

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*Correspondence with the United States minister and the secretary of legation at Madrid.

† Regarding the policy to be pursued to avert civil war, then threatening, which correspondence led to the resignation of Mr. Cass.

WASHINGTON, D. C., *April 6, 1869*.

To the Senate of the United States:

I transmit herewith, for the constitutional action of the Senate, certain articles of agreement made and concluded at the Kaw Indian Agency, Kans., on the 13th ultimo, between the commissioners on the part of the United States and certain chiefs or headmen of the Kansas or Kaw tribe of Indians on behalf of said tribe, together with a letter from the Secretary of the Interior, to which attention is invited.

U. S. GRANT.

WASHINGTON, *April 7, 1869*.

To the Senate of the United States:

In answer to the resolution of the Senate of the 27th of May last, in relation to the subject of claims against Great Britain, I transmit a report from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

WASHINGTON, D. C., *April 7, 1869*.

To the Senate and House of Representatives:

While I am aware that the time in which Congress proposes now to remain in session is very brief, and that it is its desire, as far as is consistent with the public interest, to avoid entering upon the general business of legislation, there is one subject which concerns so deeply the welfare of the country that I deem it my duty to bring it before you.

I have no doubt that you will concur with me in the opinion that it is desirable to restore the States which were engaged in the rebellion to their proper relations to the Government and the country at as early a period as the people of those States shall be found willing to become peaceful and orderly communities and to adopt and maintain such constitutions and laws as will effectually secure the civil and political rights of all persons within their borders. The authority of the United States, which has been vindicated and established by its military power, must undoubtedly be asserted for the absolute protection of all its citizens in the full enjoyment of the freedom and security which is the object of a republican government; but whenever the people of a rebellious State are ready to enter in good faith upon the accomplishment of this object, in entire conformity with the constitutional authority of Congress, it is certainly desirable that all causes of irritation should be removed as promptly as possible, that a more perfect union may be established and the country be restored to peace and prosperity.

The convention of the people of Virginia which met in Richmond on Tuesday, December 3, 1867, framed a constitution for that State, which was adopted by the convention on the 17th of April, 1868, and I desire respectfully to call the attention of Congress to the propriety of providing by law for the holding of an election in that State at some time during the months of May and June next, under the direction of the military commander of that district, at which the question of the adoption of that constitution shall be submitted to the citizens of the State; and if this should seem desirable, I would recommend that a separate vote be taken upon such parts as may be thought expedient, and that at the same time and under the same authority there shall be an election for the officers provided under such constitution, and that the constitution, or such parts thereof as shall have been adopted by the people, be submitted to Congress on the first Monday of December next for its consideration, so that if the same is then approved the necessary steps will have been taken for the restoration of the State of Virginia to its proper relations to the Union. I am led to make this recommendation from the confident hope and belief that the people of that State are now ready to cooperate with the National Government in bringing it again into such relations to the Union as it ought as soon as possible to establish and maintain, and to give to all its people those equal rights under the law which were asserted in the Declaration of Independence in the words of one of the most illustrious of its sons.

I desire also to ask the consideration of Congress to the question whether there is not just ground for believing that the constitution framed by a convention of the people of Mississippi for that State, and once rejected, might not be again submitted to the people of that State in like manner, and with the probability of the same result.

U. S. GRANT.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 12th day of April, 1869, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, U. S. Grant, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 12th day of April, 1869, at 12 o'clock noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 8th day of April, A. D. 1869, and of the Independence of the United States of America the ninety-third.

[SEAL.]

By the President: U. S. GRANT.

HAMILTON FISH,

Secretary of State.

SPECIAL MESSAGES.

WASHINGTON, *April 16, 1869.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States and the Emperor of the French, signed this day by the plenipotentiaries of the parties, for the mutual protection of trade-marks of their respective citizens and subjects.

U. S. GRANT.

WASHINGTON, *April 21, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution adopted in executive session on the 16th of February last, requesting copy of the official correspondence of Mr. Buchanan during his residence at St. Petersburg as minister of the United States, a report from the Secretary of State, with the accompanying papers.

U. S. GRANT.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In pursuance of the provisions of the act of Congress approved April 10, 1869, I hereby designate the 6th day of July, 1869, as the time for submitting the constitution passed by the convention which met in Richmond, Va., on Tuesday, the 3d day of December, 1867, to the voters of said State registered at the date of such submission, viz, July 6, 1869, for ratification or rejection.

And I submit to a separate vote the fourth clause of section 1 of article 3 of said constitution, which is in the following words:

> Every person who has been a Senator or Representative in Congress, or elector of President or Vice-President, or who held any office, civil or military, under the

United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. This clause shall include the following officers: Governor, lieutenant-governor, secretary of state, auditor of public accounts, second auditor, register of the land office, State treasurer, attorney-general, sheriffs, sergeant of a city or town, commissioner of the revenue, county surveyors, constables, overseers of the poor, commissioner of the board of public works, judges of the supreme court, judges of the circuit court, judges of the court of hustings, justices of the county courts, mayor, recorder, alderman, councilmen of a city or town, coroners, escheators, inspectors of tobacco, flour, etc., clerks of the supreme, district, circuit, and county courts and of the court of hustings, and attorneys for the Commonwealth: *Provided*, That the legislature may, by a vote of three-fifths of both houses, remove the disabilities incurred by this clause from any person included therein, by a separate vote in each case.

And I also submit to a separate vote the seventh section of article 3 of the said constitution, which is in the words following:

In addition to the foregoing oath of office, the governor, lieutenant-governor, members of the general assembly, secretary of state, auditor of public accounts, State treasurer, attorney-general, and all persons elected to any convention to frame a constitution for this State or to amend or revise this constitution in any manner, and mayor and council of any city or town, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: *Provided*, The disabilities therein contained may be individually removed by a three-fifths vote of the general assembly:

"I do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have never sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

The above oath shall also be taken by all the city and county officers before entering upon their duties, and by all other State officers not included in the above provision. I direct the vote to be taken upon each of the above-cited provisions alone, and upon the other portions of the said constitution in the following manner, viz:

Each voter favoring the ratification of the constitution (excluding the provisions above quoted) as framed by the convention of December 3, 1867, shall express his judgment by voting for the constitution.

Each voter favoring the rejection of the constitution (excluding the provisions above quoted) shall express his judgment by voting against the constitution.

Each voter will be allowed to cast a separate ballot for or against either or both of the provisions above quoted.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 14th day of May, A. D. 1869, and of the Independence of the United States of America the ninety-third.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress approved June 25, 1868, constituted, on and after that date, eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, and repealed all acts and parts of acts inconsistent therewith:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor.

In testimony whereof I have hereto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 19th day of May, A. D. 1869, and of the Independence of the United States the ninety-third.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence has been received by me from His Majesty the Emperor of France, through the Count Faverney, his chargé d'affaires, that on and after this date the discriminating duties heretofore levied in French ports upon merchandise imported from the countries of its origin in vessels of the United States are to be discontinued and abolished:

Now, therefore, I, U. S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after this date, so long as merchandise imported from the countries of its origin into French ports in vessels belonging to citizens of the United States is admitted into French ports on the terms aforesaid, the discriminating duties heretofore levied upon merchandise imported from the countries of its origin into ports of the United States in French vessels shall be, and are hereby, discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of June, A. D. 1869, and of the Independence of the United States of America the ninety-third.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In pursuance of the provisions of the act of Congress approved April 10, 1869, I hereby designate Tuesday, the 30th day of November, 1869, as the time for submitting the constitution adopted on the 15th day of May, 1868, by the convention which met in Jackson, Miss., to the voters of said State registered at the date of such submission, viz, November 30, 1869.

And I submit to a separate vote that part of section 3 of Article VII of said constitution which is in the following words:

> That I am not disfranchised in any of the provisions of the acts known as the reconstruction acts of the Thirty-ninth and Fortieth Congress, and that I admit the political and civil equality of all men. So help me God: *Provided*, If Congress shall at any time remove the disabilities of any person disfranchised in said reconstruction acts of the said Thirty-ninth and Fortieth Congress (and the legislature of this State shall concur therein), then so much of this oath, and so much only, as refers to the said reconstruction acts shall not be required of such person so pardoned to entitle him to be registered.

And I further submit to a separate vote section 5 of the same article of said constitution, which is in the following words:

> No person shall be eligible to any office of profit or trust, civil or military, in this State who, as a member of the legislature, voted for the call of the convention that passed the ordinance of secession, or who, as a delegate to any convention, voted for or signed any ordinance of secession, or who gave voluntary aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the United States, or who accepted or attempted to exercise the functions of any office, civil or military, under any authority or pretended government, authority, power, or constitution within the United States hostile or inimical thereto, except all persons who aided reconstruction by voting for this convention or who have continuously advocated the assembling of this convention and shall continuously and in good faith advocate the acts of the same; but the legislature may remove such disability: *Provided*, That nothing in this section, except voting for or signing the ordinance of secession, shall be so construed as to exclude from office the private soldier of the late so-called Confederate States army.

And I further submit to a separate vote section 5 of Article XII of the said constitution, which is in the following words:

> The credit of the State shall not be pledged or loaned in aid of any person, asso-

ciation, or corporation; nor shall the State hereafter become a stockholder in any corporation or association.

And I further submit to a separate vote part of the oath of office prescribed in section 26 of Article XII of the said constitution, which is in the following words:

> That I have never, as a member of any convention, voted for or signed any ordinance of secession; that I have never, as a member of any State legislature, voted for the call of any convention that passed any such ordinance.

The above oath shall also be taken by all the city and county officers before entering upon their duties, and by all other State officials not included in the above provision. I direct the vote to be taken upon each of the above-cited provisions alone, and upon the other portions of the said constitution in the following manner, viz:

Each voter favoring the ratification of the constitution (excluding the provisions above quoted), as adopted by the convention of May 15, 1868, shall express his judgment by voting for the constitution.

Each voter favoring the rejection of the constitution (excluding the provisions above quoted) shall express his judgment by voting against the constitution.

Each voter will be allowed to cast a separate ballot for or against either or both of the provisions above quoted.

It is understood that sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Article XIII, under the head of "Ordinance," are considered as forming no part of the said constitution.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 13th day of July, A. D. 1869, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

In pursuance of the provisions of the act of Congress approved April 10, 1869, I hereby designate Tuesday, the 30th day of November, 1869, as the time for submitting the constitution adopted by the convention which met in Austin, Tex., on the 15th day of June, 1868, to the voters of said State registered at the date of such submission, viz:

I direct the vote to be taken upon the said constitution in the following manner, viz:

Each voter favoring the ratification of the constitution as adopted by the convention of the 15th of June, 1868, shall express his judgment by voting for the constitution.

Each voter favoring the rejection of the constitution shall express his judgment by voting against the constitution.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 15th day of July, A. D. 1869, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The year which is drawing to a close has been free from pestilence; health has prevailed throughout the land; abundant crops reward the labors of the husbandman; commerce and manufactures have successfully prosecuted their peaceful paths; the mines and forests have yielded liberally; the nation has increased in wealth and in strength; peace has prevailed, and its blessings have advanced every interest of the people in every part of the Union; harmony and fraternal intercourse restored are obliterating the marks of past conflict and estrangement; burdens have been lightened; means have been increased; civil and religious liberty are secured to every inhabitant of the land, whose soil is trod by none but freemen.

It becomes a people thus favored to make acknowledgment to the Supreme Author from whom such blessings flow of their gratitude and their dependence, to render praise and thanksgiving for the same, and devoutly to implore a continuance of God's mercies.

Therefore I, Ulysses S. Grant, President of the United States, do recommend that Thursday, the 18th day of November next, be observed as a day of thanksgiving and of praise and of prayer to Almighty God, the creator and the ruler of the universe; and I do further recommend to all the people of the United States to assemble on that day in their accustomed places of public worship and to unite in the homage and praise due to the bountiful Father of All Mercies and in fervent prayer for the continuance of the manifold blessings he has vouchsafed to us as a people.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed, this 5th day of October, A. D. 1869, and of the Independence of the United States of America the ninety-fourth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the proclamation of the President of the United States of the 12th day of June last the levying of discriminating duties on merchandise imported into the United States in French vessels from the countries of its origin was discontinued; and

Whereas satisfactory information has since been received by me that the levying of such duties on all merchandise imported into France in vessels of the United States, whether from the countries of its origin or from other countries, has been discontinued:

Now, therefore, I, U. S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after this date, so long as merchandise imported into France in vessels of the United States, whether from the countries of its origin or from other countries, shall be admitted into the ports of France on the terms aforesaid, the discriminating duties heretofore levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, shall be, and are, discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 20th day of November, A. D. 1869, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDERS.

GENERAL ORDERS, NO. 10.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 5, 1869.

The President of the United States directs that the following orders be carried into execution as soon as practicable:

1. The Department of the South will be commanded by Brigadier and Brevet Major General A. H. Terry.

2. Major-General G. G. Meade is assigned to command the Military Division of the Atlantic, and will transfer his headquarters to Philadelphia, Pa. He will turn over his present command temporarily to Brevet Major-General T. H. Ruger, colonel Thirty-third Infantry, who is assigned to duty according to his brevet of major-general while in the exercise of this command.

3. Major-General P. H. Sheridan is assigned to command the Department of Louisiana, and will turn over the command of the Department of the Missouri temporarily to the next senior officer.

4. Major-General W. S. Hancock is assigned to command the Department of Dakota.

5. Brigadier and Brevet Major General E. R. S. Canby is assigned to command the First Military District, and will proceed to his post as soon as relieved by Brevet Major-General Reynolds.

6. Brevet Major-General A. C. Gillem, colonel Twenty-fourth Infantry, will turn over the command of the Fourth Military District to the next senior officer and join his regiment.

7. Brevet Major-General J. J. Reynolds, colonel Twenty-sixth Infantry, is assigned to command the Fifth Military District, according to his brevet of major-general.

8. Brevet Major-General W. H. Emory, colonel Fifth Cavalry, is assigned to command the Department of Washington, according to his brevet of major-general.

By command of the General of the Army:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, NO. 11.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 8, 1869.

The following orders of the President of the United States are published for the information and government of all concerned:

WAR DEPARTMENT,
Washington City, March 5, 1869.

By direction of the President, General William T. Sherman will assume command of the Army of the United States.

The chiefs of staff corps, departments, and bureaus will report to and act under the immediate orders of the General Commanding the Army.

All official business which by law or regulations requires the action of the President or Secretary of War will be submitted by the General of the Army to the Secretary of War, and in general all orders from the

President or Secretary of War to any portion of the Army, line or staff, will be transmitted through the General of the Army.

J. M. SCHOFIELD, *Secretary of War.*

By command of the General of the Army:

E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 55.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 9, 1869.

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5. By direction of the President, Brevet Major-General Adelbert Ames, lieutenant-colonel Twenty-fourth United States Infantry, is hereby assigned to command the Fourth Military District, according to his brevet rank.

* * * * * * *

By command of General Sherman:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, No. 18.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 16, 1869.

By direction of the President of the United States, the following changes are made in military divisions and department commands:

I. Lieutenant-General P. H. Sheridan is assigned to command the Military Division of the Missouri.

II. Major-General H. W. Halleck is assigned to the command of the Military Division of the South, to be composed of the Departments of the South and Louisiana, of the Fourth Military District, and of the States composing the present Department of the Cumberland; headquarters, Louisville, Ky. Major-General Halleck will proceed to his new command as soon as relieved by Major-General Thomas.

III. Major-General G. H. Thomas is assigned to command the Military Division of the Pacific.

IV. Major-General J. M. Schofield is assigned to command the Department of the Missouri. The State of Illinois and post of Fort Smith, Ark., are transferred to this department.

V. Brigadier and Brevet Major General O. O. Howard is assigned to command the Department of Louisiana. Until his arrival the senior officer, Brevet Major-General J. A. Mower, will command, according to his brevet of major-general.

VI. The Department of Washington will be discontinued and merged in the Department of the East. The records will be sent to the Adjutant-General of the Army.

VII. The First Military District will be added to the Military Division of the Atlantic.

VIII. As soon as Major-General Thomas is ready to relinquish command of the Department of the Cumberland, the department will be discontinued, and the States composing it will be added to other departments, to be hereafter designated. The records will be forwarded to the Adjutant-General of the Army.

By command of General Sherman:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, March 26, 1869.

By direction of the President, the order of the Secretary of War dated War Department, March 5, 1869, and published in General Orders, No. 11, Headquarters of the Army, Adjutant-General's Office, dated March 8, 1869, except so much as directs General W. T. Sherman to "assume command of the Army of the United States," is hereby rescinded.

All official business which by law or regulations requires the action of the President or Secretary of War will be submitted by the chiefs of staff corps, departments, and bureaus to the Secretary of War.

All orders and instructions relating to military operations issued by the President or Secretary of War will be issued through the General of the Army.

JNO. A. RAWLINS,
Secretary of War.

SPECIAL ORDERS, NO. 75.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 31, 1869.

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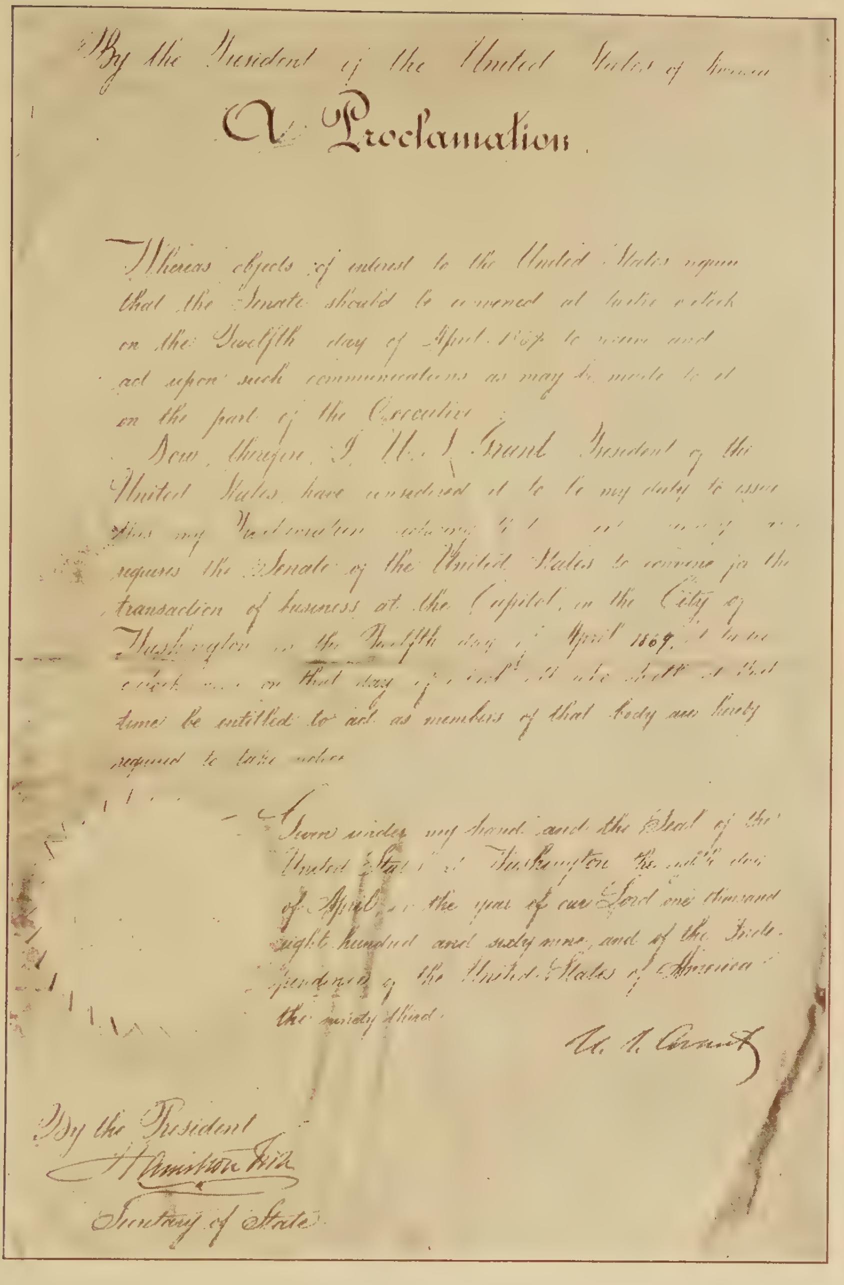
16. By direction of the President of the United States, Brevet Major-General A. S. Webb, United States Army, is assigned to command the First Military District, according to his brevet of major-general, until the arrival of Brevet Major-General Canby to relieve him. He will accordingly repair to Richmond, Va., without delay.

17. By direction of the President, Brevet Major-General George Stoneman, colonel Twenty-first United States Infantry, is hereby relieved from



By the President of the United States of America

A Proclamation.

Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the Twelfth day of April 1869 to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, U. S. Grant, President of the United States, have considered it to be my duty to issue this my Proclamation declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the City of Washington on the Twelfth day of April 1869, at twelve o'clock noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the Seal of the United States at Washington the [illegible] day of April in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

U. S. Grant

By the President
Hamilton Fish
Secretary of State

GRANT'S PROCLAMATION CALLING EXTRA SESSION OF THE SENATE.

the temporary command of the First Military District, and will accompany his regiment to the Military Division of the Pacific.

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By command of General Sherman:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, D. C., June 3, 1869.

A commission of citizens having been appointed under the authority of law to cooperate with the administrative departments in the management of Indian affairs, consisting of William Welsh, of Philadelphia; John V. Farwell, of Chicago; George H. Stuart, of Philadelphia; Robert Campbell, St. Louis; W. E. Dodge, New York; E. S. Tobey, Boston; Felix R. Brunot, Pittsburg; Nathan Bishop, New York, and Henry S. Lane, of Indiana, the following regulations will till further directions control the action of said commission and of the Bureau of Indian Affairs in matters coming under their joint supervision:

1. The commission will make its own organization and employ its own clerical assistants, keeping its "necessary expenses of transportation, subsistence, and clerk hire when actually engaged in said service" within the amount appropriated therefor by Congress.

2. The commission shall be furnished with full opportunity to inspect the records of the Indian Office and to obtain full information as to the conduct of all parts of the affairs thereof.

3. They shall have full power to inspect, in person or by subcommittee, the various Indian superintendencies and agencies in the Indian country, to be present at payment of annuities, at consultations or councils with the Indians, and when on the ground to advise superintendents and agents in the performance of their duties.

4. They are authorized to be present, in person or by subcommittee, at purchases of goods for Indian purposes, and inspect said purchases, advising the Commissioner of Indian Affairs in regard thereto.

5. Whenever they shall deem it necessary or advisable that instructions of superintendents or agents be changed or modified, they will communicate such advice through the office of Commissioner of Indian Affairs to the Secretary of the Interior, and in like manner their advice as to changes in modes of purchasing goods or conducting the affairs of the Indian Bureau proper. Complaints against superintendents or agents or other officers will in the same manner be forwarded to the Indian Bureau or Department of the Interior for action.

6. The commission will at their board meetings determine upon the recommendations to be made as to the plans of civilizing or dealing with the Indians, and submit the same for action in the manner above indicated, and all plans involving the expenditure of public money will

be acted upon by the Executive or the Secretary of the Interior before expenditure is made under the same.

7. The usual modes of accounting with the Treasury can not be changed, and all expenditures, therefore, must be subject to the approvals now required by law and the regulations of the Treasury Department, and all vouchers must conform to the same laws and requirements and pass through the ordinary channels.

8. All the officers of the Government connected with the Indian service are enjoined to afford every facility and opportunity to said commission and their subcommittees in the performance of their duties, and to give the most respectful heed to their advice within the limits of such officers' positive instructions from their superiors; to allow such commissioners full access to their records and accounts, and to cooperate with them in the most earnest manner to the extent of their proper powers in the general work of civilizing the Indians, protecting them in their legal rights, and stimulating them to become industrious citizens in permanent homes, instead of following a roving and savage life.

9. The commission will keep such records or minutes of their proceedings as may be necessary to afford evidence of their action, and will provide for the manner in which their communications with and advice to the Government shall be made and authenticated.

U. S. GRANT.

[From the Daily Morning Chronicle, Washington, September 8, 1869.]

DEPARTMENT OF STATE,
*Washington, September 7, 1869.**

It is my melancholy duty to inform you that the Hon. John A. Rawlins, Secretary of War, departed this life at twelve minutes past 4 o'clock on yesterday afternoon. In consequence of this afflicting event the President directs that the Executive Departments of the Government will be careful to manifest every observance of honor which custom has established as appropriate to the memory of one so eminent as a public functionary and so distinguished as a citizen.

I am, sir, very respectfully, your obedient servant,

HAMILTON FISH.

[From the Daily Morning Chronicle, Washington, September 8, 1869.]

DEPARTMENT OF STATE,
Washington, September 7, 1869.

SIR:* I have the honor to inform you that the President directs me to communicate to you his order that in honor of the memory of the Hon. John A. Rawlins, late Secretary of War, who died yesterday at twelve minutes past 4 o'clock p. m., the Executive Departments shall be draped in mourning for a period of thirty days, and that they be closed from the morning of the 8th instant until after the obsequies of the deceased shall have been solemnized.

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*Addressed to the heads of the Executive Departments.

I have the honor to be, your obedient servant,

HAMILTON FISH.

DEPARTMENT OF STATE, *Washington, September 7, 1869.*

The remains of the Hon. John A. Rawlins, late Secretary of War, will be interred with military honors, under the direction of the General of the Army, on Thursday, the 9th instant, at 10 o'clock a. m. The following persons will officiate as pallbearers on the occasion:

Brevet Major-General Edward D. Townsend, Adjutant-General; Brevet Major-General Randolph B. Marcy, Inspector-General; Brevet Major-General Joseph Holt, Judge-Advocate-General; Brevet Major-General Montgomery C. Meigs, Quartermaster-General; Brevet Major-General Amos B. Eaton, Commissary-General; Brevet Major-General Joseph K. Barnes, Surgeon-General; Brevet Major-General B. W. Brice, Paymaster-General; Brevet Major-General A. A. Humphreys, Chief of Engineers; Brevet Major-General Alexander B. Dyer, Chief of Ordnance; Brevet Brigadier-General Albert J. Myer, Chief Signal Officer; Brevet Major-General O. O. Howard; Brevet Major-General John E. Smith; Commodore Melancton Smith, Chief Bureau Equipment; Brigadier-General Jacob Zeilin, Marine Corps; Brigadier-General Giles A. Smith, Second Assistant Postmaster-General; Hon. Sayles J. Bowen, mayor of Washington.

On the day of the funeral the customary number of guns will be fired from all arsenals, forts, and navy-yards in the United States and from the Military and Naval Academies. Flags will be kept at half-mast, custom-houses closed, and all public work suspended during the day.

The General of the Army and heads of the several Executive Departments will issue the orders necessary for carrying these directions into effect.

By order of the President:

HAMILTON FISH, *Secretary of State.*

GENERAL ORDERS, NO. 69.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, October 9, 1869.

I. The following order of the President has been received from the War Department:

EXECUTIVE MANSION, *Washington, October 8, 1869.*

The painful duty devolves upon the President of announcing to the people of the United States the death of one of his honored predecessors, Franklin Pierce, which occurred at Concord early this morning.

Eminent in the public councils and universally beloved in private life, his death will be mourned with a sorrow befitting the loss which his country sustains in his decease.

As a mark of respect to his memory, it is ordered that the Executive Mansion and the several Departments at Washington be draped in mourning, and all business suspended on the day of the funeral.

It is further ordered that the War and Navy Departments cause suitable military and naval honors to be paid on the occasion to the memory of this illustrious citizen who has passed from us.

U. S. GRANT.

II. In compliance with the instructions of the President and of the Secretary of War, on the day after the receipt of this order at each military post the troops will be paraded at 10 o'clock a. m. and the order read to them, after which all labors for the day will cease.

The national flag will be displayed at half-staff.

At dawn of day thirteen guns will be fired, and afterwards at intervals of thirty minutes between the rising and setting sun a single gun, and at the close of the day a national salute of thirty-seven guns.

The officers of the Army will wear crape on the left arm and on their swords and the colors of the several regiments will be put in mourning for the period of thirty days.

By command of General Sherman:

J. C. KELTON,
Assistant Adjutant-General.

GENERAL ORDER.

NAVY DEPARTMENT,
Washington, October 9, 1869.

The death of ex-President Franklin Pierce is announced in the following order of the President of the United States:

[For order see preceding page.]

In pursuance of the foregoing order, it is hereby directed that twenty-one guns be fired, at intervals of one minute each, at the several navy-yards and stations, on the day of the funeral where this order may be received in time, otherwise on the day after its receipt, commencing at noon, and also on board the flagships in each fleet. The flags at the several navy-yards, naval stations, marine barracks, and vessels in commission will be placed at half-mast from sunrise to sunset on the day when the minute guns are fired.

All officers of the Navy and Marine Corps will wear the usual badge of mourning attached to the sword hilt and on the left arm for thirty days.

GEO. M. ROBESON,
Secretary of the Navy.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

WASHINGTON, *October 19, 1869.*

All communications in writing intended for the executive department of this Government and relating to public business of whatever kind, including suggestions for legislation, claims, contracts, employment, appointments, and removals from office, and pardons, must be transmitted through the Department to which the care of the subject-matter of the communication properly belongs. Communications otherwise transmitted will not receive attention.

By order of the President:

HAMILTON FISH,
Secretary of State.

FIRST ANNUAL MESSAGE.

EXECUTIVE MANSION,
Washington, D. C., December 6, 1869.

To the Senate and House of Representatives:

In coming before you for the first time as Chief Magistrate of this great nation, it is with gratitude to the Giver of All Good for the many benefits we enjoy. We are blessed with peace at home, and are without entangling alliances abroad to forebode trouble; with a territory unsurpassed in fertility, of an area equal to the abundant support of 500,000,000 people, and abounding in every variety of useful mineral in quantity sufficient to supply the world for generations; with exuberant crops; with a variety of climate adapted to the production of every species of earth's riches and suited to the habits, tastes, and requirements of every living thing; with a population of 40,000,000 free people, all speaking one language; with facilities for every mortal to acquire an education; with institutions closing to none the avenues to fame or any blessing of fortune that may be coveted; with freedom of the pulpit, the press, and the school; with a revenue flowing into the National Treasury beyond the requirements of the Government. Happily, harmony is being rapidly restored within our own borders. Manufactures hitherto unknown in our country are springing up in all sections, producing a degree of national independence unequaled by that of any other power.

These blessings and countless others are intrusted to your care and mine for safe-keeping for the brief period of our tenure of office. In a short time we must, each of us, return to the ranks of the people, who have conferred upon us our honors, and account to them for our stewardship. I earnestly desire that neither you nor I may be condemned by a free and enlightened constituency nor by our own consciences.

Emerging from a rebellion of gigantic magnitude, aided, as it was, by the sympathies and assistance of nations with which we were at peace, eleven States of the Union were, four years ago, left without legal State governments. A national debt had been contracted; American commerce was almost driven from the seas; the industry of one-half of the country had been taken from the control of the capitalist and placed where all labor rightfully belongs—in the keeping of the laborer. The work of restoring State governments loyal to the Union, of protecting and fostering free labor, and providing means for paying the interest on the public debt has received ample attention from Congress. Although your efforts have not met with the success in all particulars that might have been desired, yet on the whole they have been more successful than could have been reasonably anticipated.

Seven States which passed ordinances of secession have been fully restored to their places in the Union. The eighth (Georgia) held an election at which she ratified her constitution, republican in form, elected a governor, Members of Congress, a State legislature, and all other officers required. The governor was duly installed, and the legislature met and performed all the acts then required of them by the reconstruction acts of Congress. Subsequently, however, in violation of the constitution which they had just ratified (as since decided by the supreme court of the State), they unseated the colored members of the legislature and admitted to seats some members who are disqualified by the third clause of the fourteenth amendment to the Constitution—an article which they themselves had contributed to ratify. Under these circumstances I would submit to you whether it would not be wise, without delay, to enact a law authorizing the governor of Georgia to convene the members originally elected to the legislature, requiring each member to take the oath prescribed by the reconstruction acts, and none to be admitted who are ineligible under the third clause of the fourteenth amendment.

The freedmen, under the protection which they have received, are making rapid progress in learning, and no complaints are heard of lack of industry on their part where they receive fair remuneration for their labor. The means provided for paying the interest on the public debt, with all other expenses of Government, are more than ample. The loss of our commerce is the only result of the late rebellion which has not received sufficient attention from you. To this subject I call your earnest attention. I will not now suggest plans by which this object may be effected, but will, if necessary, make it the subiect of a special message during the session of Congress.

At the March term Congress by joint resolution authorized the Executive to order elections in the States of Virginia, Mississippi, and Texas, to submit to them the constitutions which each had previously, in convention, framed, and submit the constitutions, either entire or in separate parts, to be voted upon, at the discretion of the Executive. Under this authority elections were called. In Virginia the election took place on the 6th of July, 1869. The governor and lieutenant-governor elected have been installed. The legislature met and did all required by this resolution and by all the reconstruction acts of Congress, and abstained from all doubtful authority. I recommend that her Senators and Representatives be promptly admitted to their seats, and that the State be fully restored to its place in the family of States. Elections were called in Mississippi and Texas, to commence on the 30th of November, 1869, and to last two days in Mississippi and four days in Texas. The elections have taken place, but the result is not known. It is to be hoped that the acts of the legislatures of these States, when they meet, will be such as to receive your approval, and thus close the work of reconstruction.

Among the evils growing out of the rebellion, and not yet referred to, is that of an irredeemable currency. It is an evil which I hope will receive your most earnest attention. It is a duty, and one of the highest duties, of Government to secure to the citizen a medium of exchange of fixed, unvarying value. This implies a return to a specie basis, and no substitute for it can be devised. It should be commenced now and reached at the earliest practicable moment consistent with a fair regard to the interests of the debtor class. Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay, beyond their contracts, the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands. Fluctuation, however, in the paper value of the measure of all values (gold) is detrimental to the interests of trade. It makes the man of business an involuntary gambler, for in all sales where future payment is to be made both parties speculate as to what will be the value of the currency to be paid and received. I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency.

The methods to secure the former of these results are as numerous as are the speculators on political economy. To secure the latter I see but one way, and that is to authorize the Treasury to redeem its own paper, at a fixed price, whenever presented, and to withhold from circulation all currency so redeemed until sold again for gold.

The vast resources of the nation, both developed and undeveloped, ought to make our credit the best on earth. With a less burden of taxation than the citizen has endured for six years past, the entire public debt could be paid in ten years. But it is not desirable that the people should be taxed to pay it in that time. Year by year the ability to pay increases in a rapid ratio. But the burden of interest ought to be reduced as rapidly as can be done without the violation of contract. The public debt is represented in great part by bonds having from five to twenty and from ten to forty years to run, bearing interest at the rate of 6 per cent and 5 per cent, respectively. It is optional with the Government to pay these bonds at any period after the expiration of the least time mentioned upon their face. The time has already expired when a great part of them may be taken up, and is rapidly approaching when all may be. It is believed that all which are now due may be replaced by bonds bearing a rate of interest not exceeding 4½ per cent, and as rapidly as the remainder become due that they may be replaced in the same way. To accomplish this it may be necessary to authorize the interest to be paid at either of three or four of the money centers of Europe, or by any assistant treasurer of the United States, at the option of the holder of the bond. I suggest this subject for the consideration of Congress, and also, simultaneously with this, the propriety of redeeming our currency, as before suggested, at its market value at the time the law goes into effect, increasing the rate at which currency shall be bought and sold from day to day or week to week, at the same rate of interest as Government pays upon its bonds.

The subjects of tariff and internal taxation will necessarily receive your attention. The revenues of the country are greater than the requirements, and may with safety be reduced. But as the funding of the debt in a 4 or a 4½ per cent loan would reduce annual current expenses largely, thus, after funding, justifying a greater reduction of taxation than would be now expedient, I suggest postponement of this question until the next meeting of Congress.

It may be advisable to modify taxation and tariff in instances where unjust or burdensome discriminations are made by the present laws, but a general revision of the laws regulating this subject I recommend the postponement of for the present. I also suggest the renewal of the tax on incomes, but at a reduced rate, say of 3 per cent, and this tax to expire in three years.

With the funding of the national debt, as here suggested, I feel safe in saying that taxes and the revenue from imports may be reduced safely from sixty to eighty millions per annum at once, and may be still further reduced from year to year, as the resources of the country are developed.

The report of the Secretary of the Treasury shows the receipts of the Government for the fiscal year ending June 30, 1869, to be $370,943,747, and the expenditures, including interest, bounties, etc., to be $321,490,597. The estimates for the ensuing year are more favorable to the Government and will no doubt show a much larger decrease of the public debt.

The receipts in the Treasury beyond expenditures have exceeded the amount necessary to place to the credit of the sinking fund, as provided by law. To lock up the surplus in the Treasury and withhold it from circulation would lead to such a contraction of the currency as to cripple trade and seriously affect the prosperity of the country. Under these circumstances the Secretary of the Treasury and myself heartily concurred in the propriety of using all the surplus currency in the Treasury in the purchase of Government bonds, thus reducing the interest-bearing indebtedness of the country, and of submitting to Congress the question of the disposition to be made of the bonds so purchased. The bonds now held by the Treasury amount to about seventy-five millions, including those belonging to the sinking fund. I recommend that the whole be placed to the credit of the sinking fund.

Your attention is respectfully invited to the recommendations of the Secretary of the Treasury for the creation of the office of commissioner of customs revenue; for the increase of salaries to certain classes of officials; the substitution of increased national-bank circulation to replace the outstanding 3 per cent certificates; and most especially to his recommendation for the repeal of laws allowing shares of fines, penalties, forfeitures, etc., to officers of the Government or to informers.

The office of Commissioner of Internal Revenue is one of the most arduous and responsible under the Government. It falls but little, if any, short of a Cabinet position in its importance and responsibilities. I would ask for it, therefore, such legislation as in your judgment will place the office upon a footing of dignity commensurate with its importance and with the character and qualifications of the class of men required to fill it properly.

As the United States is the freest of all nations, so, too, its people sympathize with all people struggling for liberty and self-government; but while so sympathizing it is due to our honor that we should abstain from enforcing our views upon unwilling nations and from taking an interested part, *without invitation*, in the quarrels between different nations or between governments and their subjects. Our course should always be in conformity with strict justice and law, international and local. Such has been the policy of the Administration in dealing with these questions. For more than a year a valuable province of Spain, and a near neighbor of ours, in whom all our people can not but feel a deep interest, has been struggling for independence and freedom. The people and Government of the United States entertain the same warm feelings and sympathies for the people of Cuba in their pending struggle that they manifested throughout the previous struggles between Spain and her former colonies in behalf of the latter. But the contest has at no time assumed the conditions which amount to a war in the sense of international law, or which would show the existence of a *de facto* political organization of the insurgents sufficient to justify a recognition of belligerency.

The principle is maintained, however, that this nation is its own judge when to accord the rights of belligerency, either to a people struggling to free themselves from a government they believe to be oppressive or to independent nations at war with each other.

The United States have no disposition to interfere with the existing relations of Spain to her colonial possessions on this continent. They believe that in due time Spain and other European powers will find their interest in terminating those relations and establishing their present dependencies as independent powers—members of the family of nations. These dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers.

The United States, in order to put a stop to bloodshed in Cuba, and in the interest of a neighboring people, proposed their good offices to bring the existing contest to a termination. The offer, not being accepted by Spain on a basis which we believed could be received by Cuba, was withdrawn. It is hoped that the good offices of the United States may yet prove advantageous for the settlement of this unhappy strife. Meanwhile a number of illegal expeditions against Cuba have been broken up. It has been the endeavor of the Administration to execute the neutrality laws in good faith, no matter how unpleasant the task, made so by the sufferings we have endured from lack of like good faith toward us by other nations.

On the 26th of March last the United States schooner *Lizzie Major* was arrested on the high seas by a Spanish frigate, and two passengers taken from it and carried as prisoners to Cuba. Representations of these facts were made to the Spanish Government as soon as official information of them reached Washington. The two passengers were set at liberty, and the Spanish Government assured the United States that the captain of the frigate in making the capture had acted without law, that he had been reprimanded for the irregularity of his conduct, and that the Spanish authorities in Cuba would not sanction any act that could violate the rights or treat with disrespect the sovereignty of this nation.

The question of the seizure of the brig *Mary Lowell* at one of the Bahama Islands by Spanish authorities is now the subject of correspondence between this Government and those of Spain and Great Britain.

The Captain-General of Cuba about May last issued a proclamation authorizing search to be made of vessels on the high seas. Immediate remonstrance was made against this, whereupon the Captain-General issued a new proclamation limiting the right of search to vessels of the United States so far as authorized under the treaty of 1795. This proclamation, however, was immediately withdrawn.

I have always felt that the most intimate relations should be cultivated between the Republic of the United States and all independent nations on this continent. It may be well worth considering whether new treaties between us and them may not be profitably entered into, to secure more intimate relations—friendly, commercial, and otherwise.

The subject of an interoceanic canal to connect the Atlantic and Pacific oceans through the Isthmus of Darien is one in which commerce is greatly interested. Instructions have been given to our minister to the Republic of the United States of Colombia to endeavor to obtain authority for a survey by this Government, in order to determine the practicability of such an undertaking, and a charter for the right of way to build, by private enterprise, such a work, if the survey proves it to be practicable.

In order to comply with the agreement of the United States as to a mixed commission at Lima for the adjustment of claims, it became necessary to send a commissioner and secretary to Lima in August last. No appropriation having been made by Congress for this purpose, it is now asked that one be made covering the past and future expenses of the commission.

The good offices of the United States to bring about a peace between Spain and the South American Republics with which she is at war having been accepted by Spain, Peru, and Chile, a congress has been invited to be held in Washington during the present winter.

A grant has been given to Europeans of an exclusive right of transit over the territory of Nicaragua, to which Costa Rica has given its assent, which, it is alleged, conflicts with vested rights of citizens of the United States. The Department of State has now this subject under consideration.

The minister of Peru having made representations that there was a state of war between Peru and Spain, and that Spain was constructing, in and near New York, thirty gunboats, which might be used by Spain in such a way as to relieve the naval force at Cuba, so as to operate against Peru, orders were given to prevent their departure. No further steps having been taken by the representative of the Peruvian Government to prevent the departure of these vessels, and I not feeling authorized to detain the property of a nation with which we are at peace on a mere Executive order, the matter has been referred to the courts to decide.

The conduct of the war between the allies and the Republic of Paraguay has made the intercourse with that country so difficult that it has been deemed advisable to withdraw our representative from there.

Toward the close of the last Administration a convention was signed at London for the settlement of all outstanding claims between Great Britain and the United States, which failed to receive the advice and consent of the Senate to its ratification. The time and the circumstances attending the negotiation of that treaty were unfavorable to its acceptance by the people of the United States, and its provisions were wholly inadequate for the settlement of the grave wrongs that had been sustained by this

Government, as well as by its citizens. The injuries resulting to the United States by reason of the course adopted by Great Britain during our late civil war—in the increased rates of insurance; in the diminution of exports and imports, and other obstructions to domestic industry and production; in its effect upon the foreign commerce of the country; in the decrease and transfer to Great Britain of our commercial marine; in the prolongation of the war and the increased cost (both in treasure and in lives) of its suppression—could not be adjusted and satisfied as ordinary commercial claims, which continually arise between commercial nations; and yet the convention treated them simply as such ordinary claims, from which they differ more widely in the gravity of their character than in the magnitude of their amount, great even as is that difference. Not a word was found in the treaty, and not an inference could be drawn from it, to remove the sense of the unfriendliness of the course of Great Britain in our struggle for existence, which had so deeply and universally impressed itself upon the people of this country.

Believing that a convention thus misconceived in its scope and inadequate in its provisions would not have produced the hearty, cordial settlement of pending questions, which alone is consistent with the relations which I desire to have firmly established between the United States and Great Britain, I regarded the action of the Senate in rejecting the treaty to have been wisely taken in the interest of peace and as a necessary step in the direction of a perfect and cordial friendship between the two countries. A sensitive people, conscious of their power, are more at ease under a great wrong wholly unatoned than under the restraint of a settlement which satisfies neither their ideas of justice nor their grave sense of the grievance they have sustained. The rejection of the treaty was followed by a state of public feeling on both sides which I thought not favorable to an immediate attempt at renewed negotiations. I accordingly so instructed the minister of the United States to Great Britain, and found that my views in this regard were shared by Her Majesty's ministers. I hope that the time may soon arrive when the two Governments can approach the solution of this momentous question with an appreciation of what is due to the rights, dignity, and honor of each, and with the determination not only to remove the causes of complaint in the past, but to lay the foundation of a broad principle of public law which will prevent future differences and tend to firm and continued peace and friendship.

This is now the only grave question which the United States has with any foreign nation.

The question of renewing a treaty for reciprocal trade between the United States and the British Provinces on this continent has not been favorably considered by the Administration. The advantages of such a treaty would be wholly in favor of the British producer. Except, possibly, a few engaged in the trade between the two sections, no citizen of the United States would be benefited by reciprocity. Our internal taxation would prove a protection to the British producer almost equal to the protection which our manufacturers now receive from the tariff. Some arrangement, however, for the regulation of commercial intercourse between the United States and the Dominion of Canada may be desirable.

The commission for adjusting the claims of the "Hudsons Bay and Puget Sound Agricultural Company" upon the United States has terminated its labors. The award of $650,000 has been made and all rights and titles of the company on the territory of the United States have been extinguished. Deeds for the property of the company have been delivered. An appropriation by Congress to meet this sum is asked.

The commissioners for determining the northwestern land boundary between the United States and the British possessions under the treaty of 1856 have completed their labors, and the commission has been dissolved.

In conformity with the recommendation of Congress, a proposition was early made to the British Government to abolish the mixed courts created under the treaty of April 7, 1862, for the suppression of the slave trade. The subject is still under negotiation.

It having come to my knowledge that a corporate company, organized under British laws, proposed to land upon the shores of the United States and to operate there a submarine cable, under a concession from His Majesty the Emperor of the French of an exclusive right for twenty years of telegraphic communication between the shores of France and the United States, with the very objectionable feature of subjecting all messages conveyed thereby to the scrutiny and control of the French Government, I caused the French and British legations at Washington to be made acquainted with the probable policy of Congress on this subject, as foreshadowed by the bill which passed the Senate in March last. This drew from the representatives of the company an agreement to accept as the basis of their operations the provisions of that bill, or of such other enactment on the subject as might be passed during the approaching session of Congress; also, to use their influence to secure from the French Government a modification of their concession, so as to permit the landing upon French soil of any cable belonging to any company incorporated by the authority of the United States or of any State in the Union, and, on their part, not to oppose the establishment of any such cable. In consideration of this agreement I directed the withdrawal of all opposition by the United States authorities to the landing of the cable and to the working of it until the meeting of Congress. I regret to say that there has been no modification made in the company's concession, nor, so far as I can learn, have they attempted to secure one. Their concession excludes the capital and the citizens of the United States from competition upon the shores of France. I recommend legislation to protect the rights of citizens of the United States, as well as the dignity and sovereignty of the nation, against such an assumption. I shall also endeavor to secure, by negotiation, an abandonment of the principle of monopolies in ocean telegraphic cables. Copies of this correspondence are herewith furnished.

The unsettled political condition of other countries, less fortunate than our own, sometimes induces their citizens to come to the United States for the sole purpose of becoming naturalized. Having secured this, they return to their native country and reside there, without disclosing their change of allegiance. They accept official positions of trust or honor, which can only be held by citizens of their native land; they journey under passports describing them as such citizens; and it is only when civil discord, after perhaps years of quiet, threatens their persons or their property, or when their native state drafts them into its military service, that the fact of their change of allegiance is made known. They reside permanently away from the United States, they contribute nothing to its revenues, they avoid the duties of its citizenship, and they only make themselves known by a claim of protection. I have directed the diplomatic and consular officers of the United States to scrutinize carefully all such claims for protection. The citizen of the United States, whether native or adopted, who discharges his duty to his country, is entitled to its complete protection. While I have a voice in the direction of affairs I shall not consent to imperil this sacred right by conferring it upon fictitious or fraudulent claimants.

On the accession of the present Administration it was found that the minister for North Germany had made propositions for the negotiation of a convention for the protection of emigrant passengers, to which no response had been given. It was concluded that to be effectual all the maritime powers engaged in the trade should join in such a measure. Invitations have been extended to the cabinets of London, Paris, Florence, Berlin, Brussels, The Hague, Copenhagen, and Stockholm to empower their representatives at Washington to simultaneously enter into negotiations and to conclude with the United States conventions identical in form, making uniform regulations as to the construction of the parts of vessels to be devoted to the use of emigrant passengers, as to the quality and quantity of food, as to the medical treatment of the sick, and as to the rules to be observed during the voyage, in order to secure ventilation, to promote health, to prevent intrusion, and to protect the females; and providing for the establishment of tribunals in the several countries for enforcing such regulations by summary process.

Your attention is respectfully called to the law regulating the tariff on Russian hemp, and to the question whether to fix the charges on Russian hemp higher than they are fixed upon manila is not a violation of our treaty with Russia placing her products upon the same footing with those of the most favored nations.

Our manufactures are increasing with wonderful rapidity under the encouragement which they now receive. With the improvements in machinery already effected, and still increasing, causing machinery to take the place of skilled labor to a large extent, our imports of many articles must fall off largely within a very few years. Fortunately, too, manufactures are not confined to a few localities, as formerly, and it is to be hoped will become more and more diffused, making the interest in them equal in all sections. They give employment and support to hundreds of thousands of people at home, and retain with us the means which otherwise would be shipped abroad. The extension of railroads in Europe and the East is bringing into competition with our agricultural products like products of other countries. Self-interest, if not self-preservation, therefore dictates caution against disturbing any industrial interest of the country. It teaches us also the necessity of looking to other markets for the sale of our surplus. Our neighbors south of us, and China and Japan, should receive our special attention. It will be the endeavor of the Administration to cultivate such relations with all these nations as to entitle us to their confidence and make it their interest, as well as ours, to establish better commercial relations.

Through the agency of a more enlightened policy than that heretofore pursued toward China, largely due to the sagacity and efforts of one of our own distinguished citizens, the world is about to commence largely increased relations with that populous and hitherto exclusive nation. As the United States have been the initiators in this new policy, so they should be the most earnest in showing their good faith in making it a success. In this connection I advise such legislation as will forever preclude the enslavement of the Chinese upon our soil under the name of coolies, and also prevent American vessels from engaging in the transportation of coolies to any country tolerating the system. I also recommend that the mission to China be raised to one of the first class.

On my assuming the responsible duties of Chief Magistrate of the United States it was with the conviction that three things were essential to its peace, prosperity, and fullest development. First among these is strict integrity in fulfilling all our obligations; second, to secure protection to the person and property of the citizen of the United States in each and every portion of our common country, wherever he may choose to move, without reference to original nationality, religion, color, or politics, demanding of him only obedience to the laws and proper respect for the rights of others; third, union of all the States, with equal rights, indestructible by any constitutional means.

To secure the first of these, Congress has taken two essential steps: First, in declaring by joint resolution that the public debt shall be paid, principal and interest, in coin; and, second, by providing the means for paying. Providing the means, however, could not secure the object desired without a proper administration of the laws for the collection of the revenues and an economical disbursement of them. To this subject the Administration has most earnestly addressed itself, with results, I hope, satisfactory to the country. There has been no hesitation in changing officials in order to secure an efficient execution of the laws, sometimes, too, when, in a mere party view, undesirable political results were likely to follow; nor any hesitation in sustaining efficient officials against remonstrances wholly political.

It may be well to mention here the embarrassment possible to arise from leaving on the statute books the so-called "tenure-of-office acts," and to earnestly recommend their total repeal. It could not have been the intention of the framers of the Constitution, when providing that appointments made by the President should receive the consent of the Senate, that the latter should have the power to retain in office persons placed there by Federal appointment against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced upon him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an Administration which they know does not trust them?

For the second requisite to our growth and prosperity time and a firm but humane administration of existing laws (amended from time to time as they may prove ineffective or prove harsh and unnecessary) are probably all that are required.

The third can not be attained by special legislation, but must be regarded as fixed by the Constitution itself and gradually acquiesced in by force of public opinion.

From the foundation of the Government to the present the management of the original inhabitants of this continent—the Indians—has been a subject of embarrassment and expense, and has been attended with continuous robberies, murders, and wars. From my own experience upon the frontiers and in Indian countries, I do not hold either legislation or the conduct of the whites who come most in contact with the Indian blameless for these hostilities. The past, however, can not be undone, and the question must be met as we now find it. I have attempted a new policy toward these wards of the nation (they can not be regarded in any other light than as wards), with fair results so far as tried, and which I hope will be attended ultimately with great success. The Society of Friends is well known as having succeeded in living in peace with the Indians in the early settlement of Pennsylvania, while their white neighbors of other sects in other sections were constantly embroiled. They are also known for their opposition to all strife, violence, and war, and are generally noted for their strict integrity and fair dealings. These considerations induced me to give the management of a few reservations of Indians to them and to throw the burden of the selection of agents upon the society itself. The result has proven most

THE DARIEN EXPEDITION

THE DARIEN EXPEDITION.

In 1849 an Irish adventurer published a book in which he claimed to have surveyed the Isthmus of Panama, often called at that period the Isthmus of Darien; and to have found that the construction of a canal across it would be an easy matter. According to his statements, only three or four miles of deep rock would have to be cut through to connect the waters of the Atlantic with those of the Pacific. Accordingly, a company was formed in England with capital of $75,000,000 in order to construct the canal, and an English engineer was dispatched to make the survey. His report was so roseate that in 1853 England, France, New Granada and the United States joined in an exploring expedition to discover the best route to be followed. The expedition soon discovered that the engineer's report which had beguiled it to the Isthmus was nothing short of ridiculous. For instance, the engineer had claimed that the highest summit to be traversed was 150 feet above sea level; but when he led the expedition to that point, it was found that the true figures were more than 1,000 feet above sea level.

(For the complete history of the Panama Canal, of which the Darien expedition plays so interesting a part, see the Encyclopedic Index article, Panama Canal.)

satisfactory. It will be found more fully set forth in the report of the Commissioner of Indian Affairs. For superintendents and Indian agents not on the reservations, officers of the Army were selected. The reasons for this are numerous. Where Indian agents are sent, there, or near there, troops must be sent also. The agent and the commander of troops are independent of each other, and are subject to orders from different Departments of the Government. The army officer holds a position for life; the agent, one at the will of the President. The former is personally interested in living in harmony with the Indian and in establishing a permanent peace, to the end that some portion of his life may be spent within the limits of civilized society; the latter has no such personal interest. Another reason is an economic one; and still another, the hold which the Government has upon a life officer to secure a faithful discharge of duties in carrying out a given policy.

The building of railroads, and the access thereby given to all the agricultural and mineral regions of the country, is rapidly bringing civilized settlements into contact with all the tribes of Indians. No matter what ought to be the relations between such settlements and the aborigines, the fact is they do not harmonize well, and one or the other has to give way in the end. A system which looks to the extinction of a race is too horrible for a nation to adopt without entailing upon itself the wrath of all Christendom and engendering in the citizen a disregard for human life and the rights of others, dangerous to society. I see no substitute for such a system, except in placing all the Indians on large reservations, as rapidly as it can be done, and giving them absolute protection there. As soon as they are fitted for it they should be induced to take their lands in severalty and to set up Territorial governments for their own protection. For full details on this subject I call your special attention to the reports of the Secretary of the Interior and the Commissioner of Indian Affairs.

The report of the Secretary of War shows the expenditures of the War Department for the year ending June 30, 1869, to be $80,644,042, of which $23,882,310 was disbursed in the payment of debts contracted during the war, and is not chargeable to current army expenses. His estimate of $34,531,031 for the expenses of the Army for the next fiscal year is as low as it is believed can be relied on. The estimates of bureau officers have been carefully scrutinized, and reduced wherever it has been deemed practicable. If, however, the condition of the country should be such by the beginning of the next fiscal year as to admit of a greater concentration of troops, the appropriation asked for will not be expended.

The appropriations estimated for river and harbor improvements and for fortifications are submitted separately. Whatever amount Congress may deem proper to appropriate for these purposes will be expended.

The recommendation of the General of the Army that appropriations be made for the forts at Boston, Portland, New York, Philadelphia, New

Orleans, and San Francisco, if for no other, is concurred in. I also ask your special attention to the recommendation of the general commanding the Military Division of the Pacific for the sale of the seal islands of St. Paul and St. George, Alaska Territory, and suggest that it either be complied with or that legislation be had for the protection of the seal fisheries from which a revenue should be derived.

The report of the Secretary of War contains a synopsis of the reports of the heads of bureaus, of the commanders of military divisions, and of the districts of Virginia, Mississippi, and Texas, and the report of the General of the Army in full. The recommendations therein contained have been well considered, and are submitted for your action. I, however, call special attention to the recommendation of the Chief of Ordnance for the sale of arsenals and lands no longer of use to the Government; also, to the recommendation of the Secretary of War that the act of 3d March, 1869, prohibiting promotions and appointments in the staff corps of the Army, be repealed. The extent of country to be garrisoned and the number of military posts to be occupied is the same with a reduced Army as with a large one. The number of staff officers required is more dependent upon the latter than the former condition.

The report of the Secretary of the Navy accompanying this shows the condition of the Navy when this Administration came into office and the changes made since. Strenuous efforts have been made to place as many vessels "in commission," or render them fit for service if required, as possible, and to substitute the sail for steam while cruising, thus materially reducing the expenses of the Navy and adding greatly to its efficiency. Looking to our future, I recommend a liberal, though not extravagant, policy toward this branch of the public service.

The report of the Postmaster-General furnishes a clear and comprehensive exhibit of the operations of the postal service and of the financial condition of the Post-Office Department. The ordinary postal revenues for the year ending the 30th of June, 1869, amounted to $18,344,510, and the expenditures to $23,698,131, showing an excess of expenditures over receipts of $5,353,620. The excess of expenditures over receipts for the previous year amounted to $6,437,992. The increase of revenues for 1869 over those of 1868 was $2,051,909, and the increase of expenditures was $967,538. The increased revenue in 1869 exceeded the increased revenue in 1868 by $996,336, and the increased expenditure in 1869 was $2,527,570 less than the increased expenditure in 1868, showing by comparison this gratifying feature of improvement, that while the increase of expenditures over the increase of receipts in 1868 was $2,439,535, the increase of receipts over the increase of expenditures in 1869 was $1,084,371.

Your attention is respectfully called to the recommendations made by the Postmaster-General for authority to change the rate of compensation to the main trunk railroad lines for their services in carrying the mails;

for having post-route maps executed; for reorganizing and increasing the efficiency of the special-agency service; for increase of the mail service on the Pacific, and for establishing mail service, under the flag of the Union, on the Atlantic; and most especially do I call your attention to his recommendation for the total abolition of the franking privilege. This is an abuse from which no one receives a commensurate advantage; it reduces the receipts for postal service from 25 to 30 per cent and largely increases the service to be performed. The method by which postage should be paid upon public matter is set forth fully in the report of the Postmaster-General.

The report of the Secretary of the Interior shows that the quantity of public lands disposed of during the year ending the 30th of June, 1869, was 7,666,152 acres, exceeding that of the preceding year by 1,010,409 acres. Of this amount 2,899,544 acres were sold for cash and 2,737,365 acres entered under the homestead laws. The remainder was granted to aid in the construction of works of internal improvement, approved to the States as swamp land, and located with warrants and scrip. The cash receipts from all sources were $4,472,886, exceeding those of the preceding year $2,840,140.

During the last fiscal year 23,196 names were added to the pension rolls and 4,876 dropped therefrom, leaving at its close 187,963. The amount paid to pensioners, including the compensation of disbursing agents, was $28,422,884, an increase of $4,411,902 on that of the previous year. The munificence of Congress has been conspicuously manifested in its legislation for the soldiers and sailors who suffered in the recent struggle to maintain "that unity of government which makes us one people." The additions to the pension rolls of each successive year since the conclusion of hostilities result in a great degree from the repeated amendments of the act of the 14th of July, 1862, which extended its provisions to cases not falling within its original scope. The large outlay which is thus occasioned is further increased by the more liberal allowance bestowed since that date upon those who in the line of duty were wholly or permanently disabled. Public opinion has given an emphatic sanction to these measures of Congress, and it will be conceded that no part of our public burden is more cheerfully borne than that which is imposed by this branch of the service. It necessitates for the next fiscal year, in addition to the amount justly chargeable to the naval pension fund, an appropriation of $30,000,000.

During the year ending the 30th of September, 1869, the Patent Office issued 13,762 patents, and its receipts were $686,389, being $213,926 more than the expenditures.

I would respectfully call your attention to the recommendation of the Secretary of the Interior for uniting the duties of supervising the education of freedmen with the other duties devolving upon the Commissioner of Education.

If it is the desire of Congress to make the census which must be taken during the year 1870 more complete and perfect than heretofore, I would suggest early action upon any plan that may be agreed upon. As Congress at the last session appointed a committee to take into consideration such measures as might be deemed proper in reference to the census and report a plan, I desist from saying more.

I recommend to your favorable consideration the claims of the Agricultural Bureau for liberal apppropriations. In a country so diversified in climate and soil as ours, and with a population so largely dependent upon agriculture, the benefits that can be conferred by properly fostering this Bureau are incalculable.

I desire respectfully to call the attention of Congress to the inadequate salaries of a number of the most important offices of the Government. In this message I will not enumerate them, but will specify only the justices of the Supreme Court. No change has been made in their salaries for fifteen years. Within that time the labors of the court have largely increased and the expenses of living have at least doubled. During the same time Congress has twice found it necessary to increase largely the compensation of its own members, and the duty which it owes to another department of the Government deserves, and will undoubtedly receive, its due consideration.

There are many subjects not alluded to in this message which might with propriety be introduced, but I abstain, believing that your patriotism and statesmanship will suggest the topics and the legislation most conducive to the interests of the whole people. On my part I promise a rigid adherence to the laws and their strict enforcement.

U. S. GRANT.

SPECIAL MESSAGES.

WASHINGTON, *December 6, 1869.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, an additional article to the convention of the 24th of October, 1867, between the United States of America and His Majesty the King of Denmark.

U. S. GRANT.

WASHINGTON, *December 6, 1869.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, a convention between the United States and His Hawaiian Majesty, signed in this city on the 8th day of May last, providing for the extension of the term for the exchange of the ratifications of the convention for commercial reciprocity between the same parties, signed on the 21st day of May, 1867.

U. S. GRANT.

WASHINGTON, *December 6, 1869.*

To the Senate of the United States:

I submit to the Senate, for its consideration with a view to ratification, a protocol, signed in this city on the 23d of October last, to the convention upon the subject of claims between the United States and the Mexican Republic, signed the 4th of July, 1868.

U. S. GRANT

WASHINGTON, *December 7, 1869.*

To the Senate of the United States:

I transmit, for the consideration of the Senate, the accompanying copy of a correspondence between the Secretary of State and the minister of the United States at Berlin, in relation to the exchange of the ratifications of the naturalization convention dated July 27, 1868, between the United States and the Government of Wurtemberg, which was not effected within the time named in the convention.

U. S. GRANT.

WASHINGTON, *December 7, 1869.*

To the Senate of the United States:

I transmit, for the consideration of the Senate, the accompanying copy of a correspondence between the Secretary of State and the legation of the United States at Brussels, in relation to the exchange of the ratifications of the consular convention with Belgium signed on the 5th of December, 1868, which was not effected within the time named in the convention.

U. S. GRANT.

WASHINGTON, *December 7, 1869.*

To the Senate of the United States:

I transmit to the Senate a copy of a correspondence, a list of which is hereto annexed, between the Secretary of State and the minister resident of the United States at Constantinople, and invite its consideration of the question as to the correct meaning of the fourth article of the treaty of 1830 between the United States and Turkey.

U. S. GRANT.

WASHINGTON, D. C., *December 9, 1869.*

To the Senate of the United States:

In compliance with the resolution of the Senate of the 6th instant, requesting reports of the military commander of the district of which Georgia is a part in regard to the political and civil condition of that State, the accompanying papers are submitted.

U. S. GRANT.

WASHINGTON, *December 9, 1869.*

To the House of Representatives:

I transmit a report from the Secretary of State, in answer to a resolution of the House of Representatives of yesterday, asking to be informed what legislatures have ratified the proposed fifteenth amendment of the Constitution of the United States.

U. S. GRANT.

WASHINGTON, *December 15, 1869.*

To the House of Representatives:

I transmit a further report from the Secretary of State in answer to the resolution of the House of Representatives of the 9th instant, making known that official notice has been received at the Department of State of the ratification by the legislature of the State of Alabama of the amendment to the Constitution recently proposed by Congress as Article XV.

U. S. GRANT.

WASHINGTON, *December 15, 1869.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 13th instant, requesting a copy of official correspondence on the subject of Cuba, I transmit a report from the Secretary of State, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., December 15, 1869.

To the House of Representatives:

In answer to the resolution of December 9, 1869, requesting a copy of the charges, testimony, findings, and sentence in the trial by court-martial of Passed Assistant Surgeon Charles L. Green, United States Navy, I transmit herewith a report from the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., December 20, 1869.

To the Senate of the United States:

I hereby request the return of such part of my message of December 9, in response to Senate resolution of December 6, requesting the reports of the military commander of the district of which Georgia is a part, to wit, an anonymous letter purporting to be from "a Georgia woman." By accident the paper got with those called for by the resolution, instead of in the wastebasket, where it was intended it should go.

U. S. GRANT.

WASHINGTON, *December 20, 1869.*

To the Senate of the United States:

I transmit to the Senate, in relation to their resolution of the 8th instant, a report from the Secretary of State, with accompanying documents.*

U. S. GRANT.

WASHINGTON, *December 22, 1869.*

To the Senate:

In answer to the resolution of the Senate of the 20th instant, in relation to correspondence between the United States and Great Britain concerning questions pending between the two countries since the rejection of the claims convention by the Senate, I transmit a report from the Secretary of State upon the subject and the papers by which it was accompanied.

U. S. GRANT.

WASHINGTON, *December 22, 1869.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 8th instant, a report† from the Secretary of State.

U. S. GRANT.

WASHINGTON, *January 10, 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, a convention between the United States and the Dominican Republic for a lease to the former of the bay and peninsula of Samana.

U. S. GRANT.

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* Relating to the revolution in Cuba and the political and civil condition of that island.

† Stating that neither correspondence nor negotiation upon the subject of trade and commerce between the United States and Canada had been entered into.

WASHINGTON, *January 10. 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, a treaty for the annexation of the Dominican Republic to the United States, signed by the plenipotentiaries of the parties on the 29th of November last.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., January 10, 1870.

To the Senate of the United States:

In response to the resolution of the Senate of December 9, 1869, requesting the information in possession of the President or any of the Departments relating to the action which has been had in the District of Virginia under the act "authorizing the submission of the constitutions of Virginia, Mississippi, and Texas to a vote of the people, and authorizing the election of State officers provided by the said constitutions, and Members of Congress," approved April 10, 1869, I have the honor to transmit herewith the reports of the Secretary of State, the Secretary of War, and the Attorney-General, to whom, severally, the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., January 21, 1870.

To the House of Representatives:

In answer to the resolution passed by the House of Representatives on the 17th instant, requesting to be informed "under what act of Congress or by other authority appropriations for the Navy are diverted to the survey of the Isthmus of Darien," I transmit a report by the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., January 29, 1870.

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated 29th instant, with the accompanying papers,* received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

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* Report of fees collected, etc., by consular officers of the United States for 1868, and tariff of consular fees.

WASHINGTON, *February 1, 1870.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 31st ultimo, a report from the Secretary of State, communicating information in relation to the action of the legislature of the State of Mississippi on the proposed fifteenth amendment to the Constitution of the United States.

U. S. GRANT.

WASHINGTON, *February 2, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th ultimo, I transmit a report* from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

EXECUTIVE MANSION, *February 4, 1870.*

To the Senate of the United States:

I herewith lay before the Senate, for the consideration and action of that body in connection with a treaty of December 4, 1868, with the Seneca Nation of Indians, now pending, amendments to said treaty proposed at a council of said Indians held at their council house on the Cattaraugus Reservation, in New York, on the 26th ultimo.

A letter of the Secretary of the Interior, of the 3d instant, accompanies the papers.

U. S. GRANT.

EXECUTIVE MANSION, *February 4, 1870.*

To the Senate of the United States:

For the reasons stated in the accompanying communication from the Secretary of the Interior, I respectfully request to withdraw the treaties hereinafter mentioned, which are now pending before the Senate:

First. Treaty concluded with the Great and Little Osages May 27, 1868.

Second. Treaty concluded with the Sacs and Foxes of the Missouri and Iowa tribes of Indians February 11, 1869.

Third. Treaty concluded with the Otoe and Missouria Indians February 13, 1869.

Fourth. Treaty concluded with the Kansas or Kaw Indians March 13 1869.

U. S. GRANT.

WASHINGTON, *February 8, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 3d instant, calling for the number of copies of the tributes of the nations to

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* Relating to the insurrection in the Red River settlement, in British North America.

Abraham Lincoln now in possession of the Department of State, I transmit a report from the Secretary of State and the paper which accompanied it.

U. S. GRANT.

WASHINGTON, *February 11, 1870.*

To the House of Representatives:

In compliance with the resolution of the House of Representatives requesting me to furnish any information which may have been received by the Government in relation to the recent assault upon and reported murder of one or more American citizens in Cuba, I communicate a report from the Secretary of State, with the papers accompanying it.

U. S. GRANT.

WASHINGTON CITY, *February 11, 1870.*

To the Senate of the United States:

The papers in the case of Commander Jonathan Young, of the United States Navy, show—

That when the naval promotions were made in 1866 the name of Commander Jonathan Young was not included among them, and he was passed over, while Commander George W. Young was not passed over; that among other testimonials is one from Vice-Admiral D. D. Porter stating that "Commander Jonathan Young was passed over by mistake; that he was recommended for promotion, while Commander George W. Young was not recommended for promotion, and by some singular mistake the latter was promoted, while the former was passed over."

That eminent officers, formerly *junior* to Commander Young, but promoted over his head, desire his restoration to his former position, because they consider such restoration due to his character, ability, and services.

In view, therefore, of these facts, and of the general good standing of Commander Jonathan Young, and of his gallant and efficient services during the war, and to remedy so far as is now possible what is believed to have been a clerical error of the Department, which has worked to his injury, the Department now recommends that he be restored to his original standing upon the navy list.

For these reasons I nominate Commander Jonathan Young to be restored to his original position, to take rank from the 25th July, 1866, and next after Commander William T. Truxtun.

U. S. GRANT.

WASHINGTON, D. C., *February 11, 1870.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 4th instant, requesting information in regard to the proceedings had in the State of Georgia in pursuance of the recent act of Congress entitled "An act to promote the reconstruction of the State of Georgia," and in relation to the organization of the legislature of that State since the passage of that act, I herewith transmit the report of the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *February 15, 1870.*

To the Senate of the United States:

In reply to a resolution of the Senate of the 9th instant, in relation to the Central Branch, Union Pacific Railroad Company, I transmit a copy of a letter addressed to me on the 27th ultimo by the Secretary of the Interior. It contains all the information in my possession touching the action of any of the Departments on the claim of that company to continue and extend its road and to receive in aid of the construction thereof lands and bonds from the United States.

U. S. GRANT.

WASHINGTON, *February 16, 1870.*

To the Senate of the United States:

In response to the resolution of the Senate of the 8th instant, asking "how much of the appropriations heretofore made, amounting to $100,000, to provide for the defense of certain suits now pending in the Court of Claims, known as the cotton cases, has been expended, and to whom the same has been paid; for what services rendered, and the amount paid to each of said persons; and also the number of clerks in the Treasury Department, and other persons, with their names, engaged or occupied in the defense of said suits," I herewith transmit the report of the Secretary of the Treasury, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *February 16, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 10th instant, I transmit a report* from the Secretary of State, with accompanying documents.

U. S. GRANT.

WASHINGTON, *February 17, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 24th ultimo, the report from the Secretary of State, with accompaniments.†

U. S. GRANT.

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*Relating to the payment in currency, instead of coin, of the semiannual installments of interest due to the United States under the convention with Spain concluded February 17, 1834, and opinion of the Attorney-General relative thereto.

†Lists of officers commissioned by the Department of State, their compensation, etc.

WASHINGTON, *February 18, 1870.*

To the House of Representatives:

I transmit to the House of Representatives, in further answer to their resolution requesting information in relation to the recent assault upon and reported murder of one or more American citizens in Cuba, a report from the Secretary of State, with accompanying papers.

U. S. GRANT.

WASHINGTON, *February 19, 1870.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 11th instant, requesting "any information which may have been received by the Government of the recently reported engagement of Colonel Baker with the Indians,[*] with copies of all orders which led to the same," I transmit a report from the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., February 21, 1870.

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 7th instant, a report from the Secretary of State, with accompanying documents.[†]

U. S. GRANT.

WASHINGTON, *February 23, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 14th instant, a report from the Secretary of State, with accompanying documents.[‡]

U. S. GRANT.

WASHINGTON, *February 24, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 21st instant, directing the Secretary of State to furnish the Senate with copies of all correspondence relating to the imprisonment of Mr. Davis Hatch by the Dominican Government, I transmit a report of the Secretary of State upon the subject.

U. S. GRANT.

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[*] Piegan in Montana.

[†] Correspondence relative to affairs connected with Cuba and to the struggle for independence in that island.

[‡] Correspondence of the United States minister to Japan relative to American interests in that country.

WASHINGTON, *February 28, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 19th instant, requesting to be informed "if any officer of the Government has, contrary to the treaty of July 19, 1866, with the Cherokee Nation, enforced or sought to enforce the payment of taxes by Cherokees on products manufactured in the Cherokee Nation and sold within the Indian Territory," I transmit a report from the Secretary of the Treasury, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *February 28, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 15th instant, I transmit a report from the Secretary of State upon the subject,* and the papers by which it was accompanied.

U. S. GRANT.

WASHINGTON, *March 1, 1870.*

To the Senate and House of Representatives:

I transmit to Congress a communication from the Secretary of State, with the accompanying documents, relative to the claims of citizens of the United States on the Government of Venezuela which were adjusted by the commission provided for by the convention with that Republic of April 25, 1866.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 3, 1870.

To the House of Representatives:

I transmit herewith, in response to the resolution of the House asking for information in relation to the repairs of Spanish war vessels at the docks of the United States, the report of the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 8, 1870.

To the Senate and House of Representatives:

Herewith I have the honor to transmit a communication from the Secretary of the Interior, relative to the obligation of Congress to make the necessary appropriations to carry out the Indian treaties made by what is known as the Peace Commission of 1867.

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*Imprisonment of American citizens in Great Britain for political offenses.

The history of those treaties and the consequences of noncompliance with them by the Government are so clearly set forth in this statement that I deem it better to communicate it in full than to ask the necessary appropriation in a shorter statement of the reasons for it. I earnestly desire that if an Indian war becomes inevitable the Government of the United States at least should not be responsible for it. Pains will be taken, and force used if necessary, to prevent the departure of the expeditions referred to by the Secretary of the Interior.

U. S. GRANT.

WASHINGTON, *March 10, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 4th instant, in relation to the "Transcontinental, Memphis, El Paso and Pacific Railroad Company," I transmit reports from the Secretary of State and the Secretary of the Interior, with accompanying papers.

U. S. GRANT.

WASHINGTON, *March 10, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 28th ultimo, a report* from the Secretary of State, with accompanying documents.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 14, 1870.

To the Senate of the United States:

In reply to your resolution of the 14th of February, requesting to be informed whether I desire that any of the Indian treaties now pending before you be considered confidentially, I have to inform you that there are none of them which I object to having discussed in open session.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 14, 1870.

To the Senate of the United States:

I would respectfully call your attention to a treaty now before you for the acquisition of the Republic of St. Domingo, entered into between the agents of the two Governments on the 29th of November, 1869, and by its terms to be finally acted upon by the people of St. Domingo and the Senate of the United States within four months from the date of signing the treaty. The time for action expires on the 29th instant, a fact to which I desire expressly to call your attention. I would also direct your notice to the fact that the Government of St. Domingo has no agent in the United States who is authorized to extend the time for further deliberation upon its merits.

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*Relating to legislation necessary to insure the administration of justice and the protection of American interests in China and Japan.

The people of St. Domingo have already, so far as their action can go, ratified the treaty, and I express the earnest wish that you will not permit it to expire by limitation. I also entertain the sincere hope that your action may be favorable to the ratification of the treaty.

U. S. GRANT.

WASHINGTON, *March 15, 1870.*

To the Senate of the United States:

I transmit a report from the Secretary of State, in answer to a resolution of the Senate of the 3d instant, asking to be informed what States have ratified the amendment known as the fifteenth amendment to the Constitution of the United States, so far as official notice thereof has been transmitted to the Department of State, and that information from time to time may be communicated to that body, as soon as practicable, of such ratification hereafter by any State.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 23, 1870.

To the Senate and House of Representatives:

In the Executive message of December 6, 1869, to Congress the importance of taking steps to revive our drooping merchant marine was urged, and a special message promised at a future day during the present session, recommending more specifically plans to accomplish this result. Now that the committee of the House of Representatives intrusted with the labor of ascertaining "the cause of the decline of American commerce" has completed its work and submitted its report to the legislative branch of the Government, I deem this a fitting time to execute that promise.

The very able, calm, and exhaustive report of the committee points out the grave wrongs which have produced the decline in our commerce. It is a national humiliation that we are now compelled to pay from twenty to thirty million dollars annually (exclusive of passage money, which we should share with vessels of other nations) to foreigners for doing the work which should be done by American vessels, American built, American owned, and American manned. This is a direct drain upon the resources of the country of just so much money, equal to casting it into the sea, so far as this nation is concerned.

A nation of the vast and ever-increasing interior resources of the

United States, extending, as it does, from one to the other of the great oceans of the world, with an industrious, intelligent, energetic population, must one day possess its full share of the commerce of these oceans, no matter what the cost. Delay will only increase this cost and enhance the difficulty of attaining the result.

I therefore put in an earnest plea for early action in this matter, in a way to secure the desired increase of American commerce. The advanced period of the year and the fact that no contracts for shipbuilding will probably be entered into until this question is settled by Congress, and the further fact that if there should be much delay all large vessels contracted for this year will fail of completion before winter sets in, and will therefore be carried over for another year, induces me to request your early consideration of this subject.

I regard it of such grave importance, affecting every interest of the country to so great an extent, that any method which will gain the end will secure a rich national blessing. Building ships and navigating them utilizes vast capital at home; it employs thousands of workmen in their construction and manning; it creates a home market for the products of the farm and the shop; it diminishes the balance of trade against us precisely to the extent of freights and passage money paid to American vessels, and gives us a supremacy upon the seas of inestimable value in case of foreign war.

Our Navy at the commencement of the late war consisted of less than 100 vessels, of about 150,000 tons and a force of about 8,000 men. We drew from the merchant marine, which had cost the Government nothing, but which had been a source of national wealth, 600 vessels, exceeding 1,000,000 tons, and about 70,000 men, to aid in the suppression of the rebellion.

This statement demonstrates the value of the merchant marine as a means of national defense in time of need.

The Committee on the Causes of the Reduction of American Tonnage, after tracing the causes of its decline, submit two bills, which, if adopted, they believe will restore to the nation its maritime power. Their report shows with great minuteness the actual and comparative American tonnage at the time of its greatest prosperity; the actual and comparative decline since, together with the causes; and exhibits all other statistics of material interest in reference to the subject. As the report is before Congress, I will not recapitulate any of its statistics, but refer only to the methods recommended by the committee to give back to us our lost commerce.

As a general rule, when it can be adopted, I believe a direct money subsidy is less liable to abuse than an indirect aid given to the same enterprise. In this case, however, my opinion is that subsidies, while they may be given to specified lines of steamers or other vessels, should not be exclusively adopted, but, in addition to subsidizing very desirable lines of ocean traffic, a general assistance should be given in an effective way. I therefore commend to your favorable consideration the two bills proposed by the committee and referred to in this message.

U. S. GRANT.

EXECUTIVE MANSION, *March 25, 1870.*

To the Senate of the United States:

In reply to a Senate resolution of the 24th instant, requesting to be furnished with a report, written by Captain Selfridge, upon the resources and condition of things in the Dominican Republic, I have to state that no such report has been received.

U. S. GRANT.

WASHINGTON, *March 25, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 15th ultimo, I transmit a report, with accompanying paper,* from the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *March 29, 1870.*

To the House of Representatives:

In reply to your resolution of December 20, 1869, asking "whether any citizens of the United States are imprisoned or detained in military custody by officers of the Army of the United States, and, if any, to furnish their names, date of arrest, the offenses charged, together with a statement of what measures have been taken for the trial and punishment of the offenders," I transmit herewith the report of the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *March 30, 1870.*

To the Senate and House of Representatives:

It is unusual to notify the two Houses of Congress by message of the promulgation, by proclamation of the Secretary of State, of the ratification of a constitutional amendment. In view, however, of the vast importance of the fifteenth amendment to the Constitution, this day declared a part of that revered instrument, I deem a departure from the usual custom justifiable. A measure which makes at once 4,000,000 people voters who were heretofore declared by the highest tribunal in the land not citizens of the United States, nor eligible to become so (with the assertion that "at the time of the Declaration of Independence the opinion was fixed and universal in the civilized portion of the white race, regarded as an axiom in morals as well as in politics, that black men had no rights which the white man was bound to respect"), is indeed a measure of grander importance than any other one act of the kind from the foundation of our free Government to the present day.

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*Statement of the number and character of the ironclad vessels of the Navy, their cost, by whom designed, who recommended their construction, and their condition.

Institutions like ours, in which all power is derived directly from the people, must depend mainly upon their intelligence, patriotism, and industry. I call the attention, therefore, of the newly enfranchised race to the importance of their striving in every honorable manner to make themselves worthy of their new privilege. To the race more favored heretofore by our laws I would say, Withhold no legal privilege of advancement to the new citizen. The framers of our Constitution firmly believed that a republican government could not endure without intelligence and education generally diffused among the people. The Father of his Country, in his Farewell Address, uses this language:

> Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

In his first annual message to Congress the same views are forcibly presented, and are again urged in his eighth message.

I repeat that the adoption of the fifteenth amendment to the Constitution completes the greatest civil change and constitutes the most important event that has occurred since the nation came into life. The change will be beneficial in proportion to the heed that is given to the urgent recommendations of Washington. If these recommendations were important then, with a population of but a few millions, how much more important now, with a population of 40,000,000, and increasing in a rapid ratio. I would therefore call upon Congress to take all the means within their constitutional powers to promote and encourage popular education throughout the country, and upon the people everywhere to see to it that all who possess and exercise political rights shall have the opportunity to acquire the knowledge which will make their share in the Government a blessing and not a danger. By such means only can the benefits contemplated by this amendment to the Constitution be secured.

U. S. GRANT.

HAMILTON FISH, SECRETARY OF STATE OF THE UNITED STATES.

To all to whom these presents may come, greeting:

Know ye that the Congress of the United States, on or about the 27th day of February, in the year 1869, passed a resolution in the words and figures following, to wit:

A RESOLUTION proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the legislatures of the several States as an amendment to the

Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as a part of the Constitution, viz:

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

And further, that it appears from official documents on file in this Department that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the legislatures of the States of North Carolina, West Virginia, Massachusetts, Wisconsin, Maine, Louisiana, Michigan, South Carolina, Pennsylvania, Arkansas, Connecticut, Florida, Illinois, Indiana, New York, New Hampshire, Nevada, Vermont, Virginia, Alabama, Missouri, Mississippi, Ohio, Iowa, Kansas, Minnesota, Rhode Island, Nebraska, and Texas; in all, twenty-nine States;

And further, that the States whose legislatures have so ratified the said proposed amendment constitute three-fourths of the whole number of States in the United States;

And further, that it appears from an official document on file in this Department that the legislature of the State of New York has since passed resolutions claiming to withdraw the said ratification of the said amendment, which had been made by the legislature of that State, and of which official notice had been filed in this Department;

And further, that it appears from an official document on file in this Department that the legislature of Georgia has by resolution ratified the said proposed amendment:

Now, therefore, be it known that I, Hamilton Fish, Secretary of State of the United States, by virtue and in pursuance of the second section of the act of Congress approved the 20th day of April, in the year 1818, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," do hereby certify that the amendment aforesaid has become valid to all intents and purposes as part of the Constitution of the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the Department of State to be affixed.

[SEAL.] Done at the city of Washington this 30th day of March, A. D. 1870, and of the Independence of the United States the ninety-fourth.

HAMILTON FISH.

WASHINGTON, *March 31, 1870.*

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a treaty between the United States and the United States of Colombia for the construction of an interoceanic canal across the Isthmus of Panama or Darien, signed at Bogota on the 26th of January last.

A copy of a dispatch of the 1st ultimo to the Secretary of State from General Hurlbut, the United States minister at Bogota, relative to the treaty, is also transmitted for the information of the Senate.

U. S. GRANT.

WASHINGTON, *March 31, 1870.*

To the Senate and House of Representatives:

I transmit to Congress a further communication from the Secretary of State, with the accompanying documents, relative to the claims of citizens of the United States on the Government of Venezuela which were adjusted by the commission provided for by the convention with that Republic of April 25, 1866.

U. S. GRANT.

WASHINGTON, *March 31, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 7th instant, relating to fisheries in British waters, I transmit a report from the Secretary of State and the papers which accompanied it, and I have to state that the commanding officer of the naval steamer ordered to the fishing grounds will be instructed to give his attention, should circumstances require it, to cases which may arise under any change which may be made in the British laws affecting fisheries within British jurisdiction, with a view to preventing, so far as it may be in his power, infractions by citizens of the United States of the first article of the treaty between the United States and Great Britain of 1818, the laws in force relating to fisheries within British jurisdiction, or any illegal interference with the pursuits of the fishermen of the United States.

U. S. GRANT.

WASHINGTON, *April 5, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 28th ultimo, I transmit a report* from the Secretary of State, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *April 6, 1870.*

To the House of Representatives:

In answer to your resolution of the 7th ultimo, requesting to be furnished with a copy of orders, correspondence, reports of councils with Indians by military and civil officers of the Government, in possession of the Interior and War Departments, relating to difficulties with the Cheyenne, Comanche, Arapahoe, Apache, and Kiowa tribes of Indians during the year 1867, etc., I herewith transmit the reports received from those Departments.

U. S. GRANT.

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*Declining to communicate a copy of the list of privileges accompanying or relating to the San Domingo treaty while the subject is pending before the Senate in executive session.

WASHINGTON, *April 14, 1870.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, relative to results of the proceedings of the joint commission at Lima under the convention between the United States and Peru of 4th of December, 1868, and recommend that an appropriation be made to discharge the obligation of the United States in the case of the claim of Esteban G. Montano, to which the report refers.

U. S. GRANT.

EXECUTIVE MANSION, *April 20, 1870.*

To the House of Representatives:

In answer to your resolution of the 21st ultimo, requesting to be informed "whether any portion of the military forces of the United States has been sent into the counties of Bourbon, Crawford, and Cherokee, in the State of Kansas, and, if so, when, what number, for what purpose, and on whose procurement; and also whether they have been required to erect there any winter quarters, forts, fortifications, or earthworks, and, if so, what, for what purpose, and at whose expense, and at what probable expense to the Government have all said acts been done," I transmit herewith a report, dated 18th instant, from the Secretary of War, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *April 26, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 9th instant, I transmit a report from the Secretary of State and the paper* which accompanied it.

U. S. GRANT.

WASHINGTON, *May 6, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 26th ultimo, I transmit a report from the Secretary of State and the papers† by which it was accompanied.

U. S. GRANT.

WASHINGTON, *May 21, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 18th instant, calling for information relative to the passage of any English or

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*Supplemental report to the Department of State by Samuel B. Ruggles, United States delegate to the International Monetary Conference at Paris, 1867.

†Dispatches of J. Somers Smith, commercial agent of the United States at San Domingo, relative to the imprisonment of Davis Hatch by the Dominican Government.

Canadian steamer through the canal of Sault Ste. Marie, a report from the Secretary of State, with accompanying papers.

U. S. GRANT.

WASHINGTON, *May 23, 1870.*

To the Senate of the United States:

In response to your resolution of the 12th instant, requesting information "in relation to an organized band of persons at Cheyenne, in the Territory of Wyoming, or vicinity, the number and designs of such persons," I transmit herewith the reports of the Secretary of War and the Secretary of the Interior, to whom the resolution was referred.

U. S. GRANT.

WASHINGTON, *May 23, 1870.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 5th instant, a report from the Secretary of State and its accompanying papers.*

U. S. GRANT.

WASHINGTON, *May 26, 1870.*

To the Senate of the United States:

I have the satisfaction of transmitting to the Senate, for consideration with a view to its ratification, a convention between the United States and Her Britannic Majesty, relative to naturalization, signed in London on the 13th instant.

The convention is substantially the same as the protocol on the subject signed by Mr. Reverdy Johnson and Lord Stanley on the 9th of October, 1868, and approved by the Senate on the 13th April, 1869.

If the instrument should go into effect, it will relieve the parties from a grievance which has hitherto been a cause of frequent annoyance and sometimes of dangerous irritation.

A copy of Mr. Motley's dispatch on the subject and of the act of Parliament of May 12, 1870, are also transmitted.

U. S. GRANT.

WASHINGTON, *May 28, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 24th instant, I transmit a report from the Secretary of State and the document† by which it was accompanied.

U. S. GRANT.

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*Relating to the claims of United States citizens against Venezuela.

†Dispatch from Henry T. Blow, United States minister to Brazil, relative to the commercial interests of the United States with South America.

EXECUTIVE MANSION, *May 31, 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, an additional article to the treaty of the 29th of November last, for the annexation of the Dominican Republic to the United States, stipulating for an extension of the time for exchanging the ratifications thereof, signed in this city on the 14th instant by the plenipotentiaries of the parties.

It was my intention to have also negotiated with the plenipotentiary of San Domingo amendments to the treaty of annexation to obviate objections which may be urged against the treaty as it is now worded; but on reflection I deem it better to submit to the Senate the propriety of their amending the treaty as follows: First, to specify that the obligations of this Government shall not exceed the $1,500,000 stipulated in the treaty; secondly, to determine the manner of appointing the agents to receive and disburse the same; thirdly, to determine the class of creditors who shall take precedence in the settlement of their claims; and, finally, to insert such amendments as may suggest themselves to the minds of Senators to carry out in good faith the conditions of the treaty submitted to the Senate of the United States in January last, according to the spirit and intent of that treaty. From the most reliable information I can obtain, the sum specified in the treaty will pay every just claim against the Republic of San Domingo and leave a balance sufficient to carry on a Territorial government until such time as new laws for providing a Territorial revenue can be enacted and put in force.

I feel an unusual anxiety for the ratification of this treaty, because I believe it will redound greatly to the glory of the two countries interested, to civilization, and to the extirpation of the institution of slavery.

The doctrine promulgated by President Monroe has been adhered to by all political parties, and I now deem it proper to assert the equally important principle that hereafter no territory on this continent shall be regarded as subject of transfer to a European power.

The Government of San Domingo has voluntarily sought this annexation. It is a weak power, numbering probably less than 120,000 souls, and yet possessing one of the richest territories under the sun, capable of supporting a population of 10,000,000 people in luxury. The people of San Domingo are not capable of maintaining themselves in their present condition, and must look for outside support.

They yearn for the protection of our free institutions and laws, our progress and civilization. Shall we refuse them?

I have information which I believe reliable that a European power stands ready now to offer $2,000,000 for the possession of Samana Bay alone. If refused by us, with what grace can we prevent a foreign power from attempting to secure the prize?

The acquisition of San Domingo is desirable because of its geographical position. It commands the entrance to the Caribbean Sea and the Isthmus transit of commerce. It possesses the richest soil, best and most capacious harbors, most salubrious climate, and the most valuable products of the forests, mine, and soil of any of the West India Islands. Its possession by us will in a few years build up a coastwise commerce of immense magnitude, which will go far toward restoring to us our lost merchant marine. It will give to us those articles which we consume so largely and do not produce, thus equalizing our exports and imports.

In case of foreign war it will give us command of all the islands referred to, and thus prevent an enemy from ever again possessing himself of rendezvous upon our very coast.

At present our coast trade between the States bordering on the Atlantic and those bordering on the Gulf of Mexico is cut into by the Bahamas and the Antilles. Twice we must, as it were, pass through foreign countries to get by sea from Georgia to the west coast of Florida.

San Domingo, with a stable government, under which her immense resources can be developed, will give remunerative wages to tens of thousands of laborers not now on the island.

This labor will take advantage of every available means of transportation to abandon the adjacent islands and seek the blessings of freedom and its sequence—each inhabitant receiving the reward of his own labor. Porto Rico and Cuba will have to abolish slavery, as a measure of self-preservation to retain their laborers.

San Domingo will become a large consumer of the products of Northern farms and manufactories. The cheap rate at which her citizens can be furnished with food, tools, and machinery will make it necessary that the contiguous islands should have the same advantages in order to compete in the production of sugar, coffee, tobacco, tropical fruits, etc. This will open to us a still wider market for our products.

The production of our own supply of these articles will cut off more than one hundred millions of our annual imports, besides largely increasing our exports. With such a picture it is easy to see how our large debt abroad is ultimately to be extinguished. With a balance of trade against us (including interest on bonds held by foreigners and money spent by our citizens traveling in foreign lands) equal to the entire yield of the precious metals in this country, it is not so easy to see how this result is to be otherwise accomplished.

The acquisition of San Domingo is an adherence to the "Monroe doctrine;" it is a measure of national protection; it is asserting our just claim to a controlling influence over the great commercial traffic soon to flow from east to west by the way of the Isthmus of Darien; it is to build up our merchant marine; it is to furnish new markets for the products of our farms, shops, and manufactories; it is to make slavery insupportable in Cuba and Porto Rico at once and ultimately so in Brazil; it is to settle the unhappy condition of Cuba, and end an exterminating conflict; it is to provide honest means of paying our honest debts, without overtaxing the people; it is to furnish our citizens with the necessaries of everyday life at cheaper rates than ever before; and it is, in fine, a rapid stride toward that greatness which the intelligence, industry, and enterprise of the citizens of the United States entitle this country to assume among nations.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., June 2, 1870.

To the Senate of the United States:

In reply to your resolution of the 1st instant, requesting, "in confidence," any information in possession of the President "touching any proposition, offer, or design of any foreign power to purchase or obtain any part of the territory of San Domingo or any right to the Bay of Samana," I transmit herewith a copy of a letter, dated 27th of April, 1870, addressed to "Colonel J. W. Fabens, Dominican minister, Washington," by "E. Herzberg Hartmount, Dominican consul-general in London."

U. S. GRANT.

WASHINGTON, *June 3, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 18th ultimo, a report from the Secretary of State, with an accompanying paper.*

U. S. GRANT.

WASHINGTON, *June 3, 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, an additional convention to the treaty of the 7th of April, 1862, for the suppression of the African slave trade, which additional convention was signed on this day in the city of Washington by the plenipotentiaries of the high contracting parties.

U. S. GRANT.

WASHINGTON, *June 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 3d instant, the accompanying report† from the Secretary of State.

U. S. GRANT.

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*Communication from George Bancroft, United States minister at Berlin, relative to political questions in Germany.

†Stating that he has received no official information relative to a reported persecution and massacre of Israelites in Roumania.

EXECUTIVE MANSION, *June 13, 1870.*

To the Senate and House of Representatives:

In my annual message to Congress at the beginning of its present session I referred to the contest which had then for more than a year existed in the island of Cuba between a portion of its inhabitants and the Government of Spain, and the feelings and sympathies of the people and Government of the United States for the people of Cuba, as for all peoples struggling for liberty and self-government, and said that "the contest has at no time assumed the conditions which amount to war in the sense of international law, or which would show the existence of a *de facto* political organization of the insurgents sufficient to justify a recognition of belligerency."

During the six months which have passed since the date of that message the condition of the insurgents has not improved, and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities, carried on by small and illy armed bands of men, roaming without concentration through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

But if the insurrection has not gained ground, it is equally true that Spain has not suppressed it. Climate, disease, and the occasional bullet have worked destruction among the soldiers of Spain; and although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the native inhabitants of the island to armed resistance against Spain, and still leads them to endure the dangers and the privations of a roaming life of guerrilla warfare.

On either side the contest has been conducted, and is still carried on, with a lamentable disregard of human life and of the rules and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch of Spaniard and of Cuban is alike busy in carrying devastation over fertile regions; murderous and revengeful decrees are issued and executed by both parties. Count Valmaseda and Colonel Boet, on the part of Spain, have each startled humanity and aroused the indignation of the civilized world by the execution, each, of a score of prisoners at a time, while General Quesada, the Cuban chief, coolly and with apparent unconsciousness of aught else than a proper act, has admitted the slaughter, by his own deliberate order, in one day, of upward of 650 prisoners of war.

A summary trial, with few, if any, escapes from conviction, followed by immediate execution, is the fate of those arrested on either side on suspicion of infidelity to the cause of the party making the arrest.

Whatever may be the sympathies of the people or of the Government of the United States for the cause or objects for which a part of the people of Cuba are understood to have put themselves in armed resistance to the Government of Spain, there can be no just sympathy in a conflict carried on by both parties alike in such barbarous violation of the rules of civilized nations and with such continued outrage upon the plainest principles of humanity.

We can not discriminate in our censure of their mode of conducting their contest between the Spaniards and the Cubans. Each commit the same atrocities and outrage alike the established rules of war.

The properties of many of our citizens have been destroyed or embargoed, the lives of several have been sacrificed, and the liberty of others has been restrained. In every case that has come to the knowledge of the Government an early and earnest demand for reparation and indemnity has been made, and most emphatic remonstrance has been presented against the manner in which the strife is conducted and against the reckless disregard of human life, the wanton destruction of material wealth, and the cruel disregard of the established rules of civilized warfare.

I have, since the beginning of the present session of Congress, communicated to the House of Representatives, upon their request, an account of the steps which I had taken in the hope of bringing this sad conflict to an end and of securing to the people of Cuba the blessings and the right of independent self-government. The efforts thus made failed, but not without an assurance from Spain that the good offices of this Government might still avail for the objects to which they had been addressed.

During the whole contest the remarkable exhibition has been made of large numbers of Cubans escaping from the island and avoiding the risks of war; congregating in this country, at a safe distance from the scene of danger, and endeavoring to make war from our shores, to urge our people into the fight which they avoid, and to embroil this Government in complications and possible hostilities with Spain. It can scarce be doubted that this last result is the real object of these parties, although carefully covered under the deceptive and apparently plausible demand for a mere recognition of belligerency.

It is stated on what I have reason to regard as good authority that Cuban bonds have been prepared to a large amount, whose payment is made dependent upon the recognition by the United States of either Cuban belligerency or independence. The object of making their value thus contingent upon the action of this Government is a subject for serious reflection.

In determining the course to be adopted on the demand thus made for a recognition of belligerency the liberal and peaceful principles adopted by the Father of his Country and the eminent statesmen of his day, and followed by succeeding Chief Magistrates and the men of their day, may furnish a safe guide to those of us now charged with the direction and control of the public safety.

From 1789 to 1815 the dominant thought of our statesmen was to keep the United States out of the wars which were devastating Europe. The discussion of measures of neutrality begins with the State papers of Mr. Jefferson when Secretary of State. He shows that they are measures of national right as well as of national duty; that misguided individual citizens can not be tolerated in making war according to their own caprice, passions, interests, or foreign sympathies; that the agents of foreign governments, recognized or unrecognized, can not be permitted to abuse our hospitality by usurping the functions of enlisting or equipping military or naval forces within our territory. Washington inaugurated the policy of neutrality and of absolute abstinence from all foreign entangling alliances, which resulted, in 1794, in the first municipal enactment for the observance of neutrality.

The duty of opposition to filibustering has been admitted by every President. Washington encountered the efforts of Genêt and of the French revolutionists; John Adams, the projects of Miranda; Jefferson, the schemes of Aaron Burr. Madison and subsequent Presidents had to deal with the question of foreign enlistment or equipment in the United States, and since the days of John Quincy Adams it has been one of the constant cares of Government in the United States to prevent piratical expeditions against the feeble Spanish American Republics from leaving our shores. In no country are men wanting for any enterprise that holds out promise of adventure or of gain.

In the early days of our national existence the whole continent of America (outside of the limits of the United States) and all its islands were in colonial dependence upon European powers.

The revolutions which from 1810 spread almost simultaneously through all the Spanish American continental colonies resulted in the establishment of new States, like ourselves, of European origin, and interested in excluding European politics and the questions of dynasty and of balances of power from further influence in the New World.

The American policy of neutrality, important before, became doubly so from the fact that it became applicable to the new Republics as well as to the mother country.

It then devolved upon us to determine the great international question at what time and under what circumstances to recognize a new power as entitled to a place among the family of nations, as well as the preliminary question of the attitude to be observed by this Government toward the insurrectionary party pending the contest.

Mr. Monroe concisely expressed the rule which has controlled the action of this Government with reference to revolting colonies pending their struggle by saying:

> As soon as the movement assumed such a steady and consistent form as to make the success of the Provinces probable, the rights to which they were entitled by the laws of nations as equal parties to a civil war were extended to them.

The strict adherence to this rule of public policy has been one of the highest honors of American statesmanship, and has secured to this Government the confidence of the feeble powers on this continent, which induces them to rely upon its friendship and absence of designs of conquest and to look to the United States for example and moral protection. It has given to this Government a position of prominence and of influence which it should not abdicate, but which imposes upon it the most delicate duties of right and of honor regarding American questions, whether those questions affect emancipated colonies or colonies still subject to European dominion.

The question of belligerency is one of fact, not to be decided by sympathies for or prejudices against either party. The relations between the parent state and the insurgents must amount in fact to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war. There must be military forces acting in accordance with the rules and customs of war, flags of truce, cartels, exchange of prisoners, etc.; and to justify a recognition of belligerency there must be, above all, a *de facto* political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a state among nations capable of discharging the duties of a state and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.

Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to all that may prejudice the opposite or give credit to its own side of the question, I am unable to see in the present condition of the contest in Cuba those elements which are requisite to constitute war in the sense of international law.

The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of a legislature representing any popular constituency is more than doubtful.

In the uncertainty that hangs around the entire insurrection there is no palpable evidence of an election, of any delegated authority, or of any government outside the limits of the camps occupied from day to day by the roving companies of insurgent troops; there is no commerce, no trade, either internal or foreign, no manufactures.

The late commander in chief of the insurgents, having recently come to the United States, publicly declared that "all commercial intercourse or trade with the exterior world has been utterly cut off;" and he further added: "To-day we have not 10,000 arms in Cuba."

It is a well-established principle of public law that a recognition by a foreign state of belligerent rights to insurgents under circumstances such as now exist in Cuba, if not justified by necessity, is a gratuitous demonstration of moral support to the rebellion. Such necessity may yet hereafter arrive, but it has not yet arrived, nor is its probability clearly to be seen.

If it be war between Spain and Cuba, and be so recognized, it is our duty to provide for the consequences which may ensue in the embarrassment to our commerce and the interference with our revenue.

If belligerency be recognized, the commercial marine of the United States becomes liable to search and to seizure by the commissioned cruisers of both parties; they become subject to the adjudication of prize courts.

Our large coastwise trade between the Atlantic and the Gulf States and between both and the Isthmus of Panama and the States of South America (engaging the larger part of our commercial marine) passes of necessity almost in sight of the island of Cuba. Under the treaty with Spain of 1795, as well as by the law of nations, our vessels will be liable to visit on the high seas. In case of belligerency the carrying of contraband, which now is lawful, becomes liable to the risks of seizure and condemnation. The parent Government becomes relieved from responsibility for acts done in the insurgent territory, and acquires the right to exercise against neutral commerce all the powers of a party to a maritime war. To what consequences the exercise of those powers may lead is a question which I desire to commend to the serious consideration of Congress.

In view of the gravity of this question, I have deemed it my duty to invite the attention of the war-making power of the country to all the relations and bearings of the question in connection with the declaration of neutrality and granting of belligerent rights.

There is not a *de facto* government in the island of Cuba sufficient to execute law and maintain just relations with other nations. Spain has not been able to suppress the opposition to Spanish rule on the island, nor to award speedy justice to other nations, or citizens of other nations, when their rights have been invaded.

There are serious complications growing out of the seizure of American vessels upon the high seas, executing American citizens without proper trial, and confiscating or embargoing the property of American citizens. Solemn protests have been made against every infraction of the rights either of individual citizens of the United States or the rights of our flag upon the high seas, and all proper steps have been taken and are being pressed for the proper reparation of every indignity complained of.

The question of belligerency, however, which is to be decided upon definite principles and according to ascertained facts, is entirely different from and unconnected with the other questions of the manner in which the strife is carried on on both sides and the treatment of our citizens entitled to our protection.

The questions concern our own dignity and responsibility, and they have been made, as I have said, the subjects of repeated communications with Spain and of protests and demands for redress on our part. It is hoped that these will not be disregarded, but should they be these questions will be made the subject of a further communication to Congress.

U. S. GRANT.

EXECUTIVE MANSION, *June 17, 1870.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, requesting the President "to communicate, in confidence, the instructions of the Navy Department to the navy officers in command on the coast of Dominica and Hayti, and the reports of such officers to the Navy Department, from the commencement of the negotiation of the treaty with Dominica," I herewith transmit the papers received from the Secretary of the Navy, to whom the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *June 25, 1870.*

To the Senate of the United States:

In answer to the resolution of the 22d instant, requesting to be furnished with "proposals received from any company or citizens of the United States for constructing and placing iron steamships in transatlantic service," I transmit herewith the only proposal of that nature received by me.

U. S. GRANT.

WASHINGTON, *July 9, 1870.*

To the Senate of the United States:

In answer to the resolutions of the Senate of the 26th of May and of the 14th of June last, I transmit a report from the Secretary of State thereupon, and the papers* by which it was accompanied.

U. S. GRANT.

WASHINGTON, *July 12, 1870.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a convention between the United States and Austria, concerning the

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*Lists of American vessels seized by Spanish authorities in Cuba; of American citizens executed and imprisoned in Cuba; of American citizens whose property was confiscated or embargoed in Cuba, and of decrees under which the Spanish authorities acted, and correspondence showing steps taken by the United States Government in reference thereto.

rights, privileges, and immunities of consuls in the two countries, signed at Washington on the 11th instant.

U. S. GRANT.

WASHINGTON, *July 13, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 8th instant, a report from the Secretary of State and the papers* which accompanied it.

U. S. GRANT.

WASHINGTON, *July 13, 1870.*

To the Senate of the United States:

In answer to their resolution of the 8th instant, I transmit to the Senate a report from the Secretary of State and the papers† which accompanied it.

U. S. GRANT.

WASHINGTON, *July 14, 1870.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 7th instant, a report from the Secretary of State, with accompanying documents.

U. S. GRANT.

DEPARTMENT OF STATE,
Washington, July 14, 1870.

The Secretary of State, to whom was referred the resolution of the Senate requesting the President "to institute an inquiry, by such means as in his judgment shall be deemed proper, into the present condition of the commercial relations between the United States and the Spanish American States on this continent, and between those countries and other nations, and to communicate to the Senate full and complete statements regarding the same, together with such recommendations as he may think necessary to promote the development and increase of our commerce with those regions and to secure to the United States that proportionate share of the trade of this continent to which their close relations of geographical contiguity and political friendship with all the States of America justly entitle them," has the honor to report:

The resolution justly regards the commercial and the political relations of the United States with the American States of Spanish origin as necessarily dependent upon each other. If the commerce of those countries has been diverted from its natural connection with the United States, the fact may probably be partly traced to political causes, which have been swept away by the great civil convulsion in this country.

For the just comprehension of the position of this Government in the American political system, and for the causes which have failed to give it hitherto the influence

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*Instructions to the minister to Spain stating the basis on which the United States offered its good offices for the purpose of terminating the war in Cuba, correspondence relative thereto, etc.

†Correspondence between the United States and Great Britain concerning questions pending between the two countries.

THE PERPETUAL CUBAN REVOLUTION

THE PERPETUAL CUBAN REVOLUTION

Cuba has played a large and interesting part in our history from the very earliest days. The article "Cuba," in the Encyclopedic Index, succinctly presents the salient facts regarding her natural resources, her history and her present condition. She was a bone of contention in our domestic politics. The South, represented by the Democratic party, was bent on annexing her; proffers were made of money to insolvent Spain, only to be spurned; if gold will not buy, force of arms must conquer, was the motto. With the encouragement of the South, filibustering expeditions were fitted out, and with the connivance of traitorous Southern agents of the Federal Government, escaped the vigilance of our cruisers only to be snapped up by the watchful Spaniards. Such violations of our treaties were likely to bring on war; far from dreading such a result, the South would have welcomed it with glee, for then the doctrine of "manifest destiny" with which they sought to palliate our unjust war on Mexico, would cloak the robbing of Cuba from Spain. Why did the South want Cuba? Simply because if annexed two or three new slave states could be created, four or six new slave Senators be elected, and their vanishing domination in Congress be restored. The illustrations are contemporary and truthful representations of scenes in the Cuban insurrection of 1868–1877. The post-bellum view of Cuban affairs will be found by consulting the discussions of the matter by the Presidents from Grant to McKinley, on the pages cited by the index under the heading "Cuba." On page 2701 President Fillmore states the reasons against annexation, and on page 3041 President Buchanan recommends it.

to which it is properly entitled by reason of its democratic system and of the moderation and sense of justice which have distinguished its foreign policy through successive Administrations from the birth of the nation until now, it is necessary to make a brief notice of such measures as affect our present relations to the other parts of this continent.

The United States were the first of the European colonies in America to arrive at maturity as a people and assume the position of an independent republic. Since then important changes have taken place in various nations and in every part of the world. Our own growth in power has been not the least remarkable of all the great events of modern history.

When, at the conclusion of the Revolutionary War, having conquered by arms our right to exist as a sovereign state, that right was at length recognized by treaties, we occupied only a narrow belt of land along the Atlantic coast, hemmed in at the north, the west, and the south by the possessions of European Governments, or by uncultivated wastes beyond the Alleghanies, inhabited only by the aborigines. But in the very infancy of the United States far-sighted statesmen saw and predicted that, weak in population and apparently restricted in available territory as the new Republic then was, it had within it the germs of colossal grandeur, and would at no remote day occupy the continent of America with its institutions, its authority, and its peaceful influence.

That expectation has been thus far signally verified. The United States entered at once into the occupation of their rightful possessions westward to the banks of the Mississippi. Next, by the spontaneous proffer of France, they acquired Louisiana and its territorial extension, or right of extension, north to the line of the treaty demarcation between France and Great Britain, and west to the Pacific Ocean. Next, by amicable arrangement with Spain, they acquired the Floridas, and complete southern maritime frontiers upon the Gulf of Mexico. Then came the union with the independent State of Texas, followed by the acquisitions of California and New Mexico, and then of Arizona. Finally, Russia has ceded to us Alaska, and the continent of North America has become independent of Europe, except so much of it as continues to maintain political relations with Great Britain.

Meanwhile, partly by natural increase and partly by voluntary immigration from Europe, our population has risen from 3,000,000 to nearly 40,000,000; the number of States and Territories united under the Constitution has been augmented from thirteen to forty-seven; the development of internal wealth and power has kept pace with political expansion; we have occupied in part and peopled the vast interior of the continent; we have bound the Pacific to the Atlantic by a chain of intervening States and organized Territories; we have delivered the Republic from the anomaly and the ignominy of domestic servitude; we have constitutionally fixed the equality of all races and of all men before the law; and we have established, at the cost of a great civil war—a cost, however, not beyond the value of such a result—the indissoluble national unity of the United States.

In all these marked stages of national progress, from the Declaration of Independence to the recent amendments of the Constitution, it is impossible not to perceive a providential series and succession of events, intimately attached one to the other, and possessed of definite character as a whole, whatever incidental departures from such uniformity may have marked, or seemed to mark, our foreign policy under the influence of temporary causes or of the conflicting opinions of statesmen.

In the time of Washington, of the first Adams, of Jefferson, and of Madison the condition of Europe, engaged in the gigantic wars of the French Revolution and of the Empire, produced its series of public questions and gave tone and color to our foreign policy. In the time of Monroe, of the second Adams, and of Jackson, and subsequently thereto, the independence of the Spanish and Portuguese colonies of America produced its series of questions and its apparent modification of our public policy. Domestic questions of territorial organization, of social emancipation, and of national unity have also largely occupied the minds and the attention of the later Administrations.

The treaties of alliance and guaranty with France, which contributed so much to our independence, were one source of solicitude to the early Administrations, which were endeavoring to protect our commerce from the depredations and wrongs to which the maritime policy of England and the reaction of that policy on France subjected it. For twenty years we struggled in vain to accomplish this, and at last drifted into war.

The avoidance of entangling alliances, the characteristic feature of the foreign policy of Washington, sprang from this condition of things. But the entangling alliances which then existed were engagements made with France as a part of the general contract under which aid was furnished to us for the achievement of our independence. France was willing to waive the letter of the obligation as to her West India possessions, but demanded in its stead privileges in our ports which the Administration was unwilling to concede. To make its refusal acceptable to a public which sympathized with France, the Cabinet of General Washington exaggerated the principle into a theory tending to national isolation.

The public measures designed to maintain unimpaired the domestic sovereignty and the international neutrality of the United States were independent of this policy, though apparently incidental to it. The municipal laws enacted by Congress then and since have been but declarations of the law of nations. They are essential to the preservation of our national dignity and honor; they have for their object to repress and punish all enterprises of private war, one of the last relics of mediæval barbarism; and they have descended to us from the fathers of the Republic, supported and enforced by every succeeding President of the United States.

The foreign policy of these early days was not a narrow one. During this period we secured the evacuation by Great Britain of the country wrongfully occupied by her on the Lakes; we acquired Louisiana; we measured forces on the sea with France, and on the land and sea with England; we set the example of resisting and chastising the piracies of the Barbary States; we initiated in negotiations with Prussia the long line of treaties for the liberalization of war and the promotion of international intercourse; and we steadily demanded, and at length obtained, indemnification from various governments for the losses we had suffered by foreign spoliations in the wars of Europe.

To this point in our foreign policy we had arrived when the revolutionary movements in Spanish and Portuguese America compelled a modification of our relations with Europe, in consequence of the rise of new and independent states in America.

The revolution which commenced in 1810, and extended through all the Spanish American continental colonies, after vain efforts of repression on the part of Spain, protracted through twenty years, terminated in the establishment of the independent States of Mexico, Guatemala, San Salvador, Honduras, Nicaragua, Costa Rica, Venezuela, Colombia, Ecuador, Peru, Chile, Bolivia, the Argentine Republic, Uruguay, and Paraguay, to which the Empire of Brazil came in time to be added. These events necessarily enlarged the sphere of action of the United States, and essentially modified our relations with Europe and our attitude to the rest of this continent.

The new States were, like ourselves, revolted colonies. They continued the precedent we had set, of separating from Europe. Their assumption of independence was stimulated by our example. They professedly imitated us, and copied our National Constitution, sometimes even to their inconvenience.

The Spanish American colonies had not the same preparation for independence that we had. Each of the British colonies possessed complete local autonomy. Its formal transition from dependence to independence consisted chiefly in expelling the British governor of the colony and electing a governor of the State, from which to the organized Union was but a step. All these conditions of success were wanting in Spanish America, and hence many of the difficulties in their career as independent states; and, further, while the revolution in British America was the exclusive result of the march of opinion in the British colonies, the simultaneous action of the separate Spanish colonies, though showing a desire for independence, was principally produced by the accident of the invasion of Spain by France.

The formation of these new sovereignties in America was important to us, not only because of the cessation of colonial monopolies to that extent, but because of the geographical relations to us held by so many new nations, all, like ourselves, created from European stock and interested in excluding European politics, dynastic questions, and balances of power from further influence in the New World.

Thus the United States were forced into new lines of action, which, though apparently in some respects conflicting, were really in harmony with the line marked out by Washington. The avoidance of entangling political alliances and the maintenance of our own independent neutrality became doubly important from the fact that they became applicable to the new Republics as well as to the mother country. The duty of noninterference had been admitted by every President. The question came up in the time of the first Adams, on the occasion of the enlistment projects of Miranda. It appeared again under Jefferson (anterior to the revolt of the Spanish colonies) in the schemes of Aaron Burr. It was an ever-present question in the Administrations of Madison, Monroe, and the younger Adams, in reference to the questions of foreign enlistment or equipment in the United States, and when these new Republics entered the family of nations, many of them very feeble, and all too much subject to internal revolution and civil war, a strict adherence to our previous policy and a strict enforcement of our laws became essential to the preservation of friendly relations with them; for since that time it has been one of the principal cares of those intrusted with the administration of the Government to prevent piratical expeditions against these sister Republics from leaving our ports. And thus the changed condition of the New World made no change in the traditional and peaceful policy of the United States in this respect.

In one respect, however, the advent of these new States in America did compel an apparent change of foreign policy on our part. It devolved upon us the determination of the great international question at what time and under what circumstances to recognize a new power as entitled to a place among the family of nations. There was but little of precedent to guide us, except our own case. Something, indeed, could be inferred from the historical origin of the Netherlands and Switzerland. But our own case, carefully and conscientiously considered, was sufficient to guide us to right conclusions. We maintained our position of international friendship and of treaty obligations toward Spain, but we did not consider that we were bound to wait for its recognition of the new Republics before admitting them into treaty relations with us as sovereign states. We held that it was for us to judge whether or not they had attained to the condition of actual independence, and the consequent right of recognition by us. We considered this question of fact deliberately and coolly. We sent commissioners to Spanish America to ascertain and report for our information concerning their actual circumstances, and in the fullness of time we acknowledged their independence; we exchanged diplomatic ministers, and made treaties of amity with them, the earliest of which, negotiated by Mr. John Quincy Adams, served as the model for the subsequent treaties with the Spanish American Republics. We also, simultaneously therewith, exerted our good offices with Spain to induce her to submit to the inevitable result and herself to accept and acknowledge the independence of her late colonies. We endeavored to induce Russia to join us in these representations. In all this our action was positive, in the direction of promoting the complete political separation of America from Europe.

A vast field was thus opened to the statesmen of the United States for the peaceful introduction, the spread, and the permanent establishment of the American ideas of republican government, of modification of the laws of war, of liberalization of commerce, of religious freedom and toleration, and of the emancipation of the New World from the dynastic and balance of power controversies of Europe.

Mr. John Quincy Adams, beyond any other statesman of the time in this country, had the knowledge and experience, both European and American, the comprehension of thought and purpose, and the moral convictions which peculiarly fitted him to introduce our country into this new field and to lay the foundation of an American policy. The declaration known as the Monroe doctrine, and the objects and purposes of the congress of Panama, both supposed to have been largely inspired by Mr. Adams, have influenced public events from that day to this as a principle of government for this continent and its adjacent islands.

It was at the period of the congress of Aix-la-Chapelle and of Laybach, when the "Holy Alliance" was combined to arrest all political changes in Europe in the sense of liberty, when they were intervening in southern Europe for the reestablishment of absolutism, and when they were meditating interference to check the progress of free government in America, that Mr. Monroe, in his annual message of December, 1823, declared that the United States would consider any attempt to extend the European system to any portion of this hemisphere as dangerous to our peace and safety. "With the existing colonies or dependencies of any European power," he said, "we have not interfered and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

This declaration resolved the solution of the immediate question of the independence of the Spanish American colonies, and is supposed to have exercised some influence upon the course of the British cabinet in regard to the absolutist schemes in Europe as well as in America.

It has also exercised a permanent influence on this continent. It was at once invoked in consequence of the supposed peril of Cuba on the side of Europe; it was applied to a similar danger threatening Yucatan; it was embodied in the treaty of the United States and Great Britain as to Central America; it produced the successful opposition of the United States to the attempt of Great Britain to exercise dominion in Nicaragua under the cover of the Mosquito Indians; and it operated in like manner to prevent the establishment of a European dynasty in Mexico.

The United States stand solemnly committed by repeated declarations and repeated acts to this doctrine, and its application to the affairs of this continent. In his message to the two Houses of Congress at the commencement of the present session the President, following the teachings of all our history, said that the existing "dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers."

This policy is not a policy of aggression; but it opposes the creation of European dominion on American soil, or its transfer to other European powers, and it looks hopefully to the time when, by the voluntary departure of European Governments from this continent and the adjacent islands, America shall be wholly American.

It does not contemplate forcible intervention in any legitimate contest, but it protests against permitting such a contest to result in the increase of European power or influence; and it ever impels this Government, as in the late contest between the South American Republics and Spain, to interpose its good offices to secure an honorable peace.

The congress of Panama was planned by Bolivar to secure the union of Spanish America against Spain. It had originally military as well as political purposes. In the military objects the United States could take no part; and, indeed, the necessity for such objects ceased when the full effects of Mr. Monroe's declarations were felt. But the pacific objects of the congress—the establishment of close and cordial relations of amity, the creation of commercial intercourse, of interchange of political thought, and of habits of good understanding between the new Republics and the United States and their respective citizens—might perhaps have been attained had the Administration of that day received the united support of the country. Unhappily, they were lost; the new States were removed from the sympathetic and protecting influence of our example, and their commerce, which we might then have secured, passed into other hands, unfriendly to the United States.

In looking back upon the Panama congress from this length of time it is easy to understand why the earnest and patriotic men who endeavored to crystallize an American system for this continent failed.

Mr. Clay and Mr. Adams were far-sighted statesmen, but, unfortunately, they struck against the rock of African slavery. One of the questions proposed for discussion in the conference was "the consideration of the means to be adopted for the entire abolition of the African slave trade," to which proposition the committee of the United States Senate of that day replied: "The United States have not certainly the right, and ought never to feel the inclination, to dictate to others who may differ with them upon this subject; nor do the committee see the expediency of insulting other states with whom we are maintaining relations of perfect amity by ascending the moral chair and proclaiming from thence mere abstract principles, of the rectitude of which each nation enjoys the perfect right of deciding for itself." The same committee also alluded to the possibility that the condition of the islands of Cuba and Porto Rico, still the possessions of Spain and still slaveholding, might be made the subject of discussion and of contemplated action by the Panama congress. "If ever the United States," they said, "permit themselves to be associated with these nations in any general congress assembled for the discussion of common plans in any way affecting European interests, they will by such act not only deprive themselves of the ability they now possess of rendering useful assistance to the other American States, but also produce other effects prejudicial to their own interests."

Thus the necessity at that day of preserving the great interest of the Southern States in African slavery, and of preventing a change in the character of labor in the islands of Cuba and Porto Rico, lost to the United States the opportunity of giving a permanent direction to the political and commercial connections of the newly enfranchised Spanish American States, and their trade passed into hands unfriendly to the United States, and has remained there ever since.

Events subsequent to that date have tended to place us in a position to retrieve our mistakes, among which events may be particularly named the suppression of the rebellion, the manifestation of our undeveloped and unexpected military power, the retirement of the French from Mexico, and the abolition of slavery in the United States.

There is good reason to believe that the latter fact has had an important influence in our favor in Spanish America. It has caused us to be regarded there with more sympathetic as well as more respectful consideration. It has relieved those Republics from the fear of filibusterism which had been formerly incited against Central America and Mexico in the interest of slave extension, and it has produced an impression of the stability of our institutions and of our public strength sufficient to dissipate the fears of our friends or the hopes of those who wish us ill.

Thus there exists in the Spanish American Republics confidence toward the United States. On our side they find a feeling of cordial amity and friendship, and a desire to cultivate and develop our common interests on this continent. With some of these States our relations are more intimate than with others, either by reason of closer similarity of constitutional forms, of greater commercial intercourse, of proximity in fact, or of the construction or contemplated construction of lines of transit for our trade and commerce between the Atlantic and the Pacific. With several of them we have peculiar treaty relations. The treaty of 1846 between the United States and New Granada contains stipulations of guaranty for the neutrality of that part of the Isthmus within the present territory of Colombia, and for the protection of the rights of sovereignty and property therein belonging to Colombia. Similar stipulations appear in the treaty of 1867 with Nicaragua, and of July, 1864, with Honduras. Those treaties (like the treaty of alliance made with France in 1778 by Dr. Franklin, Silas Deane, and Arthur Lee) constitute *pro tanto* a true protective alliance between the United States and each of those Republics. Provisions of like effect appear in the treaty of April 19, 1850, between Great Britain and the United States.

Brazil, with her imperial semblance and constitutional reality, has always held relations of amity with us, which have been fortified by the opening of her great rivers to commerce. It needs only that, in emulation of Russia and the United States, she should emancipate her slaves to place her in more complete sympathy with the rest of America.

It will not be presumptuous, after the foregoing sketch, to say, with entire consideration for the sovereignty and national pride of the Spanish American Republics, that the United States, by the priority of their independence, by the stability of their institutions, by the regard of their people for the forms of law, by their resources as a government, by their naval power, by their commercial enterprise, by the attractions which they offer to European immigration, by the prodigious internal development of their resources and wealth, and by the intellectual life of their population, occupy of necessity a prominent position on this continent, which they neither can nor should abdicate, which entitles them to a leading voice, and which imposes upon them duties of right and of honor regarding American questions, whether those questions affect emancipated colonies or colonies still subject to European dominion.

The public questions which existed as to all European colonies prior to and during the revolutions in the continental colonies of Spain and Portugal still exist with reference to the European colonies which remain; and they now return upon us in full force, as we watch events in Cuba and Porto Rico.

Whatever may be the result of the pending contest in Cuba, it appears to be the belief of some of the leading statesmen of Spain that the relations which now exist between the island and the mother country can not be long continued. It is understood that the resources for carrying on the struggle have been supplied mainly from Cuba, by the aid of that portion of the population which does not desire to see its political destinies intrusted to the persons who direct the movements of the insurgents; but it does not follow that its political relations with Spain are to remain unchanged, or that even the party which is now dominant in the island will wish to forever continue colonists.

These facts give reason to think that when the contest shall close, Cuba, with her resources strained, but unexhausted (whatever may be her political relations), will resume and continue her old commercial relations with the United States; and it is not impossible that at some day, not far distant when measured by the course of history, she will be called upon to elect her position in the family of nations.

Although the resolution of the Senate does not in terms apply to the islands of the Antilles, it is impossible to answer it without speaking of them. They outlie the southern coast of the United States and guard the approaches to the ports of Mexico, Venezuela, and the Isthmus, by which we reach from the east the western coasts of Mexico and of the Spanish States. The people of the Spanish islands speak the language and share the traditions, customs, ideas, and religion of the Spanish American States of the continent, and will probably, like them, become at some time independent of the mother country. It would, therefore, be unwise, while shaping a commercial policy for the continent, to disregard the islands which lie so much nearer to our seaports.

With the Spanish islands of Cuba and Porto Rico we maintain, in spite of their adverse legislation, a large commerce by reason of our necessities and of their proximity. In the year ending June 30, 1869, we imported from them merchandise valued at $65,609,274. During the same time we sent them goods to the value only of $15,313,919.

The prohibitory duties forced upon them by the policy of Spain shut out much that we might supply. Their tropical productions, for instance, are too valuable to allow their lands to be given up to the growth of breadstuffs; yet, instead of taking these articles from the superabundant fields of their nearest neighbors, they are forced to go to the distant plains of Spain. It will be for the interest of the United States to shape its general policy so that this relation of imports and exports shall be altered in Cuba when peace is restored and its political condition is satisfactorily established.

With none of the other Spanish American States in North and South America are our commercial relations what they should be. Our total imports in the year ending June 30, 1869, from these countries were less than $25,000,000 (or not one-half the amount from Cuba alone), and our exports for the same time to them were only $17,850,313; and yet these countries have an aggregate population nearly or quite as great as that of the United States; they have republican forms of government, and they profess to be, and probably really are, in political sympathy with us.

This Department is not able to give with entire accuracy the imports and exports of Great Britain with the same countries during the corresponding period. It is believed, however, the following figures will be found to be not far from correct: Imports to Great Britain, $42,820,942; exports from Great Britain, $40,682,102.

It thus appears that notwithstanding the greater distance which the commerce has to travel in coming to and from Great Britain, notwithstanding the political sympathy which ought naturally to exist between republics, notwithstanding the American idea which has been so prominently and so constantly put forward by the Government of the United States, notwithstanding the acknowledged skill of American manufacturers, notwithstanding the ready markets which the great cities of the United States afford for the consumption of tropical productions, the inhabitants of the Spanish American continent consume of the products of Great Britain more than twice the quantity they take of the products of the United States, and that they sell to us only three-fifths of the amount they sell to Great Britain.

The Secretary of State appends to this report the tables on which these statements are founded. That their commerce with the United States is not large may be partially explained by the fact that these States have been subject to many successive revolutions since the failure of the congress of Panama. These revolutions not only exhaust their resources and burden them with debt, but they check emigration, prevent the flow of foreign capital into the country, and stop the enterprise which needs a stable government for its development.

These suggestions are, however, applicable to the British commerce as well as to our own, and they do not explain why we, with the natural advantages in our favor, fall so far behind. The Isthmus of Panama is the common point where the commerce of the western coasts of Mexico and South America meets. When it arrives there, why should it seek Liverpool and London rather than New York?

The political causes which have operated to divert this commerce from us the Secretary of State has endeavored to explain. A favorable time has now come for removing them—for laying the foundation of an American policy which shall bind in closer union the American Republics. Let them understand that the United States do not covet their territories; that our only desire is to see them peaceful, with free and stable governments, increasing in wealth and population, and developing in the lines in which their own traditions, customs, habits, laws, and modes of thought will naturally take them. Let them feel that, as in 1826, so now, this Government is ready to aid them to the full extent of its constitutional power in any steps which they may take for their better protection against anarchy. Let them be convinced that the United States is prepared, in good faith and without ulterior purposes, to join them in the development of a peaceful American commercial policy that may in time include this continent and the West Indian Islands. Let this be comprehended, and there will be no political reason why we may not "secure to the United States that proportionate share of the trade of this continent to which their close relations of geographical contiguity and political friendship with all the States of America justly entitle them."

It may not be enough to remove the political obstacles only. The financial policy which the war made necessary may have operated injuriously upon our commerce with these States. The resolution of the Senate calls, on these points, for detailed information which is not within the control of the Secretary of State, and for recommendations for the future which he is not prepared to give without that information. To fully answer the Senate's call, it would probably be necessary to employ some competent agent, familiar with the Spanish American States, to collate and arrange the information asked for. For this there is no appropriation by Congress.

Respectfully submitted.

HAMILTON FISH.

Commerce of the United States with the countries on this continent and adjacent islands for the year ended June 30, 1869.

[Compiled from the Annual Report on Commerce and Navigation.]

Countries.	Imports.	Exports.	Reexports.	Total exports.	Total commerce.
Dominion of Canada	$30, 353, 010	$18, 188, 613	$2, 858, 782	$21, 047, 395	$51, 400, 405
All other British possessions in North America	1, 737, 304	2, 703, 173	446, 664	3, 149, 837	4, 887, 141
British West Indies	6, 682, 391	9, 142, 344	101, 760	9, 244, 104	15, 926, 495
Total	38, 772, 705	30, 034, 130	3, 407, 206	33, 441, 336	72, 214, 041
Cuba	58, 201, 374	12, 643, 955	7, 064, 787	19, 708, 742	77, 910, 116
Porto Rico	7, 407, 900	2, 669, 964	114, 037	2, 784, 001	10, 191, 901
Total	65, 609, 274	15, 313, 919	7, 178, 824	22, 492, 743	88, 102, 017
French possessions in America	696, 952	1, 174, 056	45, 514	1, 219, 570	1, 916, 522
Danish West Indies	638, 550	1, 500, 000	39, 121	1, 539, 121	2, 177, 671
Dutch West Indies and Guiana	999, 099	926, 051	29, 595	955, 646	1, 954, 745
Hayti and San Domingo	729, 632	1, 349, 438	129, 462	1, 478, 900	2, 208, 532
Sandwich Islands	1, 298, 065	700, 962	86, 665	787, 627	2, 085, 712
Total	4, 362, 318	5, 650, 507	330, 357	5, 980, 864	10, 343, 182
Mexico	7, 232, 006	3, 836, 699	1, 047, 408	4, 884, 107	12, 116, 113
Central American States	733, 296	1, 324, 336	52, 146	1, 376, 482	2, 109, 778
Colombia	5, 291, 706	4, 900, 075	180, 267	5, 080, 342	10, 372, 048
Peru	1, 386, 310	1, 556, 434	116, 911	1, 673, 445	3, 059, 755
Chile	1, 186, 982	1, 969, 580	115, 905	2, 085, 485	3, 272, 467
Argentine Republic	5, 162, 966	2, 235, 089	272, 425	2, 507, 514	7, 670, 480
Uruguay	1, 472, 608	835, 112	58, 270	894, 382	2, 366, 990
Brazil	24, 912, 450	5, 910, 565	158, 514	6, 069, 079	30, 981, 529
Venezuela	2, 431, 760	1, 191, 888	29, 176	1, 221, 064	3, 652, 824
Total	49, 810, 084	23, 760, 878	2, 031, 022	25, 791, 900	75, 601, 984
Grand total	158, 554, 381	74, 759, 434	12, 947, 409	87, 706, 843	246, 261, 224
Total commerce of United States	437, 314, 255	413, 954, 615	25, 173, 414	439, 128, 029	876, 442, 284

Imports and exports of Great Britain with Spanish America and some of the West India Islands for parts of the years 1868 and 1869.

	Year.	Imports.	Exports.
Cuba and Porto Rico	1869	£3,228,292	£1,374,242
French possessions in America	1868	4,252	3,002
Danish West Indies	1868	295,102	9,211
Dutch West Indies and Guiana	1868	148,882	4,444
Hayti and San Domingo	1868	220,806	6,043
Sandwich Islands	1868	33,336	917
Mexico	1868	350,664	92,077
Central American States	1868	939,827	173,611
Colombia	1869	971,396	2,500,039
Peru	1869	2,734,784	1,180,931
Chile	1869	3,211,174	1,596,905
Argentine Republic	1869	1,034,445	1,841,953
Uruguay	1869	535,015	1,009,425
Brazil	1869	7,754,526	5,477,439
Venezuela	1868	69,997	10,452

WASHINGTON, *July 14, 1870.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States and His Majesty the King of Sweden and Norway, relative to the citizenship of natives of the one country who may emigrate to the other. A protocol on the subject is also herewith transmitted.

U. S. GRANT.

WASHINGTON, *July 14, 1870.*

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a convention between the United States and the Republic of Salvador for the surrender of fugitive criminals, signed at San Salvador on the 23d day of May last.

U. S. GRANT.

WASHINGTON, D. C., *July 15, 1870.*

To the Senate and House of Representatives:

Your attention is respectfully called to the necessity of passing an Indian appropriation bill before the members of Congress separate. Without such appropriation Indian hostilities are sure to ensue, and with them suffering, loss of life, and expenditures vast as compared with the amount asked for.

The latest intelligence from Europe indicates the imminence of a war between France and North Germany. In view of this a sound policy indicates the importance of some legislation tending to enlarge the commercial marine of this country. The vessels of this country at the present time are insufficient to meet the demand which the existence of a war in Europe will impose upon the commerce of the United States, and I submit to the consideration of Congress that the interests of the country will be advanced by the opportunity afforded to our citizens to purchase vessels of foreign construction for the foreign trade of the country. An act to this effect may be limited in its duration to meet the immediate exigency.

The foreign-mail service of the United States is in a large degree dependent upon the Bremen and Hamburg lines of steamers. The Post-Office Department has entered into contracts in writing with the two companies above named, and with the Williams and Guion lines, respectively, for a regular and continuous service of two years. The only arrangement that could be made with the Inman and Cunard lines is temporary, and may be broken off at any time.

The North German lines are first class in point of speed and equipment, their steamers usually making the trip across the Atlantic in from twenty-four to thirty-six hours in advance of the Williams and Guion lines.

Should the North German steamers be blockaded or impeded by France, our postal intercourse with foreign nations will be greatly embarrassed unless Congress shall interpose for its relief.

I suggest to Congress the propriety of further postponing the time for adjournment, with the view of considering the questions herein communicated.

U. S. GRANT.

WASHINGTON, *July 15, 1870.*

To the Senate of the United States:

In answer to their resolution of the 9th instant, I transmit a report* from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION,
Washington, D. C., January 11, 1870.

To the Senate of the United States:

I return herewith without my approval Senate bill No. 273, entitled "An act for the relief of Rollin White," for the reasons set forth in the accompanying communication, dated December 11, 1869, from the Chief of Ordnance.

U. S. GRANT.

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*Relating to the importation of Chinese coolies into the United States.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, December 11, 1869.

Hon. W. W. BELKNAP,
Secretary of War.

SIR: In the year 1855 Rollin White obtained letters patent for improvements in repeating pistols, in (among other things) extending the chambers of the rotating cylinder through to the rear, so as to enable the chambers to be charged at the rear by hand or by a self-acting charger.

Some time afterwards, and prior to the breaking out of the rebellion, he assigned this patent to Smith & Wesson, of Springfield, Mass., for the sum of $500 in cash and their obligation to pay him 25 cents royalty on each pistol manufactured under the patent, binding himself to apply for and to use his influence to procure a renewal of the patent. He afterwards surrendered this original patent and obtained a reissue in three divisions. Two years before the expiration of the latter he applied to the Commissioner of Patents for an extension, upon the ground of insufficiency of compensation. The Commissioner rejected the application for an extension, without assigning any reason, and the patents expired by limitation on the 3d of April, 1869, and the invention became public property.

On the 9th of April, 1869, a bill authorizing the Commissioner of Patents to reconsider the application of Rollin White for extension of his patents was introduced in the Senate and passed without debate. It passed the House without debate on the 10th of April, but failed to receive the signature of the Vice-President before Congress adjourned. It is understood that it has now been signed by that officer, and only awaits the approval of the President to become a law.

Unless the ends of justice require the extension of this patent, it should not be renewed. So far as I have been able to ascertain, justice to the Government and to the public forbids this patent from being renewed.

The validity of the patent has been questioned for many years, and it is understood that it was only affirmed by the Supreme Court by a tie vote, four of the justices voting affirmatively and an equal number negatively.

Its renewal is urged by Rollin White upon the ground that he has not been sufficiently compensated for his invention. Rollin White has received nearly $71,000 as royalty. Smith & Wesson, for the years 1862, 1863, 1864, 1865, 1866, 1867, and 1868, returned incomes amounting in the aggregate to about $1,000,000. This was derived chiefly from the manufacture of firearms under Rollin White's patent, that firm holding the exclusive right to manufacture under it and being engaged almost exclusively in their manufacture.

It is believed that the Government suffered inconvenience and embarrassment enough during the war in consequence of the inability of manufacturers to use this patent, and that its further extension will operate prejudicially to its interest by compelling it to pay to parties already well paid a large royalty for altering its revolvers to use metallic cartridges.

For these reasons I respectfully request that you will call the attention of the President of the United States to this subject before he acts upon the bill which is now before him.

Respectfully, your obedient servant,
A. B. DYER,
Brevet Major-General, Chief of Ordnance.

EXECUTIVE MANSION, *July 14, 1870.*

To the Senate of the United States:

I herewith return without my approval Senate bill No. 476, "An act to fix the status of certain Federal soldiers enlisting in the Union Army from the States of Alabama and Florida," for the reasons embodied in the following facts, which have been obtained from the office of the Second Comptroller:

The First Regiment of Florida Cavalry, composed of six companies, was organized from December, 1862, to August, 1864, to serve three years. It was mustered out of service November 17, 1865, by reason of general order from the War Department discharging all cavalry organizations east of the Mississippi.

The men of this regiment enlisting prior to July 18, 1864, received $25 advance bounty at muster-in, and the discharged soldiers and heirs of those deceased have been paid the same bounty under act of July 22, 1861, joint resolution of January 13, 1864, an act of July 28, 1866, as men enlisted at the same time in other volunteer organizations.

The Second Regiment of Florida Cavalry, composed of seven companies, was organized from December, 1863, to June, 1864, to serve three years. It was mustered out November 29, 1865, by reason of the order discharging cavalry organizations east of the Mississippi. Most of the men received the $25 advance bounty at muster-in, and the discharged men and heirs of deceased men have received bounty under the several acts of Congress cited above, subject to the same conditions which apply to men who enlisted at the same time in other volunteer organizations.

The First Alabama Cavalry was originally organized as a one-year regiment from December, 1862, to September, 1863, and two companies of three-years men (Companies I and K) were added to complete its organization. These companies were formerly Companies D and E of the First Middle Tennessee Cavalry. Prior to the expiration of the term of the one-year men, the Adjutant-General of the Army, of date May 15, 1863, authorized General Dodge to fill up this command, and in accordance therewith the places of the companies discharged by reason of expiration of term were filled by companies of men enlisted for three years. The original companies, A, B, C, D, E, F, G, H, and L, were organized from December, 1862, to September 25, 1863, and were discharged by companies from December 22, 1863, to September 28, 1864, in order as the term (one year) of each company expired. Companies I and K, mustered in August, 1862, to serve three years, were discharged in July, 1865, by reason of expiration of term of service. As reorganized under the order above mentioned, the regiment consisted of Companies A, B, C, D, E, and G, organized from February 5, 1864, to October, 1864, to serve three years; Companies F, L, and M, organized from December 28, 1863, to October 31, 1864, to serve one and three years; Company H, organized in March and April, 1865, to serve three years, and Companies I and K, of the old organization described above. The men of the First Alabama Cavalry who enlisted for three years have been paid bounty under the several acts of Congress upon the same principles which apply to other three-years volunteers. The one-year men enlisted prior to July 18, 1864, received no bounty, but $100 bounty has been paid the proper heirs of the one-year men of this organization who died in the service, in accordance with the act of July 22, 1861, under which the regiment was originally organized.

Some of the men of these organizations were erroneously paid by the Pay Department at the time of their muster out of service, they having been paid but $100, when they should have been allowed $300 under the joint resolution of January 13, 1864. The balance of bounty due these men is being paid by the proper accounting officers. It will be seen by comparing the above statement with the act under consideration that the effect of the act will be to give the one-year men of the First Alabama Cavalry, nearly all of whom enlisted in 1862 and 1863, a bounty of $100 each, or a proportionate part, according to the time served. It would give each man of Companies I and K of the First Alabama Cavalry $100 more bounty. The bounty of the other three-years men of the First Alabama Cavalry, First Florida Cavalry, and Second Florida Cavalry, who enlisted prior to December 25, 1863, and from April 1, 1864, to July 17, 1864, inclusive, and who were discharged by reason of orders from the War Department, will not be affected.

The men enlisting in these organizations under joint resolution of January 13, 1864, receive under existing laws $100 more bounty than they would be entitled to receive if the act under consideration becomes a law.

In case of deceased men the working of the act is still more perplexing, as the prescribed order of inheritance under the act of July 4, 1864, is entirely different from that under all other acts.

A large proportion of the claims in case of the deceased men have been settled, and the bounties have been paid fathers, mothers, brothers, and sisters, the proper heirs under existing laws, which under this act would go only to the widow, children, and widowed mother. Bounty has also been paid to parents under act of July 28, 1866, which this act would require to be paid to the widow, although she may have remarried.

Under the act of July 28, 1866, children of age are not entitled, but this act makes them joint heirs with the minor children.

In case of the deceased one-year men, and the three-years men enlisted under joint resolution of January 13, 1864, the effect of this act would only be to change the prescribed order of inheritance.

In case of the three-years men enlisted under act of July 22, 1861, the order of inheritance is changed by this act, and the heirs entitled (widow, children, and widowed mother) will receive $100 more bounty than they are now entitled to receive.

It may be well to state that November 14, 1864, the War Department gave authority to enlist men who had deserted from the rebel army as recruits for the First Alabama Cavalry, with the distinct understanding that they were to receive no bounty. Such recruits have not been paid bounty, and it may be a question whether the act under consideration would entitle them to any.

U. S. GRANT.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to the first section of the act of Congress approved the 11th day of June, 1864, entitled "An act to provide for the execution of treaties between the United States and foreign nations respecting consular jurisdiction over the crews of vessels of such foreign nations in the waters and ports of the United States," it is provided that before that act shall take effect as to the ships and vessels of any particular nation having such treaty with the United States the President of the United States shall have been satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall have issued his proclamation to that effect, declaring that act to be in force as to such nation; and

Whereas due inquiry having been made and satisfactory answers having been received that similar provisions are in force in France, Prussia and the other States of the North German Union, and Italy:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, do hereby proclaim the same accordingly.

Done at the city of Washington, this 10th day of February, A. D. 1870, and of the Independence of the United States of America the ninety-fourth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

ULYSSES S. GRANT, PRESIDENT OF THE UNITED STATES OF AMERICA.

To all whom it may concern:

An exequatur, bearing date the 17th day of June, 1865, having been issued to Joaquin de Palma, recognizing him as vice-consul of Portugal at Savannah, Ga., and declaring him free to exercise and enjoy such functions, powers, and privileges as are allowed to vice-consuls by the law of nations or by the laws of the United States and existing treaty stipulations between the Government of Portugal and the United States; but for satisfactory reasons it is deemed advisable that the said Joaquin de Palma should no longer be permitted to continue in the exercise of said functions, powers, and privileges:

These are therefore to declare that I no longer recognize the said Joaquin de Palma as vice-consul of Portugal at Savannah, Ga., and will not permit him to exercise or enjoy any of the functions, powers, or privileges allowed to a consular officer of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given, and do declare the same to be absolutely null and void from this day forward.

In testimony whereof I have caused these letters to be made patent and the seal of the United States of America to be hereunto affixed.

[SEAL.] Given under my hand, at Washington, this 12th day of May, A. D. 1870, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it has come to my knowledge that sundry illegal military enterprises and expeditions are being set on foot within the territory and jurisdiction of the United States with a view to carry on the same from such territory and jurisdiction against the people and district of the Dominion of Canada, within the dominions of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, with whom the United States are at peace:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby admonish all good citizens of the United States and all persons within the territory and jurisdiction of the United States against aiding, countenancing, abetting, or taking part in such unlawful proceedings; and I do hereby warn all persons that by committing such illegal acts they will forfeit all right to the protection of the Government or to its interference in their behalf to rescue them from the consequences of their own acts; and I do hereby enjoin all officers in the service of the United States to employ all their lawful authority and power to prevent and defeat the aforesaid unlawful proceedings and to arrest and bring to justice all persons who may be engaged therein.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 24th day of May, A. D. 1870, and of the Independence of the United States the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a state of war unhappily exists between France on the one side and the North German Confederation and its allies on the other side; and

Whereas the United States are on terms of friendship and amity with all the contending powers and with the persons inhabiting their several dominions; and

Whereas great numbers of the citizens of the United States reside within the territories or dominions of each of the said belligerents and carry on commerce, trade, or other business or pursuits therein, protected by the faith of treaties; and

Whereas great numbers of the subjects or citizens of each of the said belligerents reside within the territory or jurisdiction of the United States and carry on commerce, trade, or other business or pursuits therein; and

Whereas the laws of the United States, without interfering with the free expression of opinion and sympathy, or with the open manufacture or sale of arms or munitions of war, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest:

Now, therefore, I, Ulysses S. Grant, President of the United States, in order to preserve the neutrality of the United States and of their citizens and of persons within their territory and jurisdiction, and to enforce their laws, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf and of the law of nations, may thus be prevented from an unintentional violation of the same, do hereby declare and proclaim that by the act passed on the 20th day of April, A. D. 1818, commonly known as the "neutrality law," the following acts are forbidden to be done. under severe penalties, within the territory and jurisdiction of the United States, to wit:

1. Accepting and exercising a commission to serve either of the said belligerents, by land or by sea, against the other belligerent.

2. Enlisting or entering into the service of either of the said belligerents as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer.

3. Hiring or retaining another person to enlist or enter himself in the service of either of the said belligerents as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer.

4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

5. Hiring another person to go beyond the limits of the United States with intent to be entered into service as aforesaid.

6. Retaining another person to go beyond the limits of the United States with intent to be enlisted as aforesaid.

7. Retaining another person to go beyond the limits of the United States with intent to be entered into service as aforesaid. (But the said act is not to be construed to extend to a citizen or subject of either belligerent who, being transiently within the United States, shall, on board of any vessel of war which at the time of its arrival within the United States was fitted and equipped as such vessel of war, enlist or enter himself, or hire or retain another subject or citizen of the same belligerent who is transiently within the United States to enlist or enter himself, to serve such belligerent on board such vessel of war, if the United States shall then be at peace with such belligerent.)

8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of either of the said belligerents.

9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel which at the time of her arrival within the United States was a ship of war, cruiser, or armed vessel in the service of either of the said belligerents, or belonging to the subjects or citizens of either, by adding to the number of guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

11. Beginning or setting on foot or providing or preparing the means for any military expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territories or dominions of either of the said belligerents.

And I do further declare and proclaim that by the nineteenth article of the treaty of amity and commerce which was concluded between His Majesty the King of Prussia and the United States of America on the 11th day of July, A. D. 1799, which article was revived by the treaty of May 1, A. D. 1828, between the same parties, and is still in force, it was agreed that "the vessels of war, public and private, of both parties shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show."

And I do further declare and proclaim that it has been officially communicated to the Government of the United States by the envoy extraordinary and minister plenipotentiary of the North German Confederation at Washington that private property on the high seas will be exempted from seizure by the ships of His Majesty the King of Prussia, without regard to reciprocity.

And I do further declare and proclaim that it has been officially communicated to the Government of the United States by the envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of the French at Washington that orders have been given that in the conduct of the war the commanders of the French forces on land and on the seas shall scrupulously observe toward neutral powers the rules of international law and that they shall strictly adhere to the principles set forth in the declaration of the congress of Paris of the 16th of April, 1856; that is to say:

First. That privateering is and remains abolished.

Second. That the neutral flag covers enemy's goods, with the exception of contraband of war.

Third. That neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag.

Fourth. That blockades, in order to be binding, must be effective—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy; and that, although the United States have not adhered to the declaration of 1856, the vessels of His Majesty will not seize enemy's property found on board of a vessel of the United States, provided that property is not contraband of war.

And I do further declare and proclaim that the statutes of the United States and the law of nations alike require that no person within the territory and jurisdiction of the United States shall take part, directly or indirectly, in the said war, but shall remain at peace with each of the said belligerents and shall maintain a strict and impartial neutrality, and that whatever privileges shall be accorded to one belligerent within the ports of the United States shall be in like manner accorded to the other.

And I do hereby enjoin all the good citizens of the United States and all persons residing or being within the territory or jurisdiction of the United States to observe the laws thereof and to commit no act contrary to the provisions of the said statutes or in violation of the law of nations in that behalf.

And I do hereby warn all citizens of the United States and all persons residing or being within their territory or jurisdiction that while the free and full expression of sympathies in public and private is not restricted by the laws of the United States, military forces in aid of either belligerent can not lawfully be originated or organized within their jurisdiction; and that while all persons may lawfully and without restriction, by reason of the aforesaid state of war, manufacture and sell within the United States arms and munitions of war and other articles ordinarily known as "contraband of war," yet they can not carry such articles upon the high seas for the use or service of either belligerent, nor can they transport soldiers and officers of either, or attempt to break any blockade which may be lawfully established and maintained during the war, without incurring the risk of hostile capture and the penalties denounced by the law of nations in that behalf.

And I do hereby give notice that all citizens of the United States and others who may claim the protection of this Government who may misconduct themselves in the premises will do so at their peril, and that they can in no wise obtain any protection from the Government of the United States against the consequences of their misconduct.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 22d day of August, A. D. 1870, and of the Independence of the United States of America the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas on the 22d day of August, 1870, my proclamation was issued enjoining neutrality in the present war between France and the North German Confederation and its allies, and declaring, so far as then seemed to be necessary, the respective rights and obligations of the belligerent parties and of the citizens of the United States; and

Whereas subsequent information gives reason to apprehend that armed cruisers of the belligerents may be tempted to abuse the hospitality accorded to them in the ports, harbors, roadsteads, and other waters of the United States, by making such waters subservient to the purposes of war:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do hereby proclaim and declare that any frequenting and use of the waters within the territorial jurisdiction of the United States by the armed vessels of either belligerent, whether public ships or privateers, for the purpose of preparing for hostile operations or as posts of observation upon the ships of war or privateers or merchant vessels of the other belligerent lying within or being about to enter the jurisdiction of the United States, must be regarded as unfriendly and offensive and in violation of that neutrality which it is the determination of this Government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the 12th day of October instant, and during the continuance of the present hostilities between France and the North German Confederation and its allies, no ship of war or privateer of either belligerent shall be permitted to make use of any port, harbor, roadstead, or other waters within the jurisdiction of the United States as a station or place of resort for any warlike purpose or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall be permitted to sail out of or leave any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of the other belligerent (whether the same shall be a ship of war, a privateer, or a merchant ship) shall have previously departed until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the jurisdiction of the United States. If any ship of war or privateer of either belligerent shall, after the time this notification takes effect, enter any port, harbor, roadstead, or waters of the United States, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, harbor, roadstead, or waters, except in case of stress of weather or of her requiring provisions or things necessary for the subsistence of her crew or for repairs, in either of which cases the authorities of the port or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been permitted to remain within the waters of the United States for the purpose of repair shall continue within such port, harbor, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed, unless within such twenty-four hours a vessel, whether ship of war, privateer, or merchant ship, of the other belligerent shall have departed therefrom, in which case the time limited for the departure of such ship of war or privateer shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war, privateer, or merchant ship of the other belligerent which may have previously quit the same port, harbor, roadstead, or waters. No ship of war or privateer of either belligerent shall be detained in any port, harbor, roadstead, or waters of the United States more than twenty-four hours by reason of the successive departures from such port, harbor, roadstead, or waters of more than one vessel of the other belligerent. But if there be several vessels of each or either of the two belligerents in the same port, harbor, roadstead, or waters, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the respective belligerents and to cause the least detention consistent with the objects of this proclamation. No ship of war or privateer of either belligerent shall be permitted, while in any port, harbor, roadstead, or waters within the jurisdiction of the United

States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel, if without sail power, to the nearest European port of her own country, or, in case the vessel is rigged to go under sail and may also be propelled by steam power, then with half the quantity of coal which she would be entitled to receive if dependent upon steam alone; and no coal shall be again supplied to any such ship of war or privateer in the same or any other port, harbor, roadstead, or waters of the United States, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within the waters of the United States, unless such ship of war or privateer shall, since last thus supplied, have entered a European port of the Government to which she belongs.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 8th day of October, A. D. 1870, and of the Independence of the United States of America the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas divers evil-disposed persons have at sundry times within the territory or jurisdiction of the United States begun or set on foot, or provided or prepared the means for, military expeditions or enterprises to be carried on thence against the territories or dominions of powers with whom the United States are at peace, by organizing bodies pretending to have powers of government over portions of the territories or dominions of powers with whom the United States are at peace, or, by being or assuming to be members of such bodies, by levying or collecting money for the purpose or for the alleged purpose of using the same in carrying on military enterprises against such territories or dominions by enlisting and organizing armed forces to be used against such powers, and by fitting out, equipping, and arming vessels to transport such organized armed forces to be employed in hostilities against such powers; and

Whereas it is alleged and there is reason to apprehend that such evil-disposed persons have also at sundry times within the territory and jurisdiction of the United States violated the laws thereof by accepting and exercising commissions to serve by land or by sea against powers with whom the United States are at peace by enlisting themselves or other persons to carry on war against such powers by fitting out and arming vessels with intent that the same shall be employed to cruise or commit hostilities against such powers, or by delivering commissions within the territory or jurisdiction of the United States for such vessels to the intent that they might be employed as aforesaid; and

Whereas such acts are in violation of the laws of the United States in such case made and provided, and are done in disregard of the duties and obligations which all persons residing or being within the territory or jurisdiction of the United States owe thereto, and are condemned by all right-minded and law-abiding citizens:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do hereby declare and proclaim that all persons hereafter found within the territory or jurisdiction of the United States committing any of the aforerecited violations of law or any similar violations of the sovereignty of the United States for which punishment is provided by law will be rigorously prosecuted therefor, and, upon conviction and sentence to punishment, will not be entitled to expect or receive the clemency of the Executive to save them from the consequences of their guilt; and I enjoin upon every officer of this Government, civil or military or naval, to use all efforts in his power to arrest for trial and punishment every such offender against the laws providing for the performance of our sacred obligations to friendly powers.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of October, A. D. 1870, and of the Independence of the United States of America the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it behooves a people sensible of their dependence on the Almighty publicly and collectively to acknowledge their gratitude for his favors and mercies and humbly to beseech for their continuance; and

Whereas the people of the United States during the year now about to end have special cause to be thankful for general prosperity, abundant harvests, exemption from pestilence, foreign war, and civil strife:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, concurring in any similar recommendations from chief magistrates of States, do hereby recommend to all citizens to meet in their respective places of worship on Thursday, the 24th day of November next, there to give thanks for the bounty of God during the year about to close and to supplicate for its continuance hereafter.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 21st day of October, A. D. 1870, and of the Independence of the United States the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDERS.

GENERAL ORDERS, No. 83.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, December 24, 1869.

Brevet Major-General A. H. Terry, in addition to his duties as commander of the Department of the South, is, by order of the President of the United States, appointed to exercise the duties of commanding general of the District of Georgia, as defined by the act of Congress approved December 22, 1869.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

EXECUTIVE MANSION,
Washington, D. C., December 24, 1869.

The painful duty devolves upon the President of announcing to the people of the United States the death of one of her most distinguished citizens and faithful public servants, the Hon. Edwin M. Stanton, which occurred in this city at an early hour this morning.

He was distinguished in the councils of the nation during the entire period of its recent struggle for national existence—first as Attorney-General, then as Secretary of War. He was unceasing in his labors, earnest and fearless in the assumption of responsibilities necessary to his country's success, respected by all good men, and feared by wrongdoers. In his death the bar, the bench, and the nation sustain a great loss, which will be mourned by all.

As a mark of respect to his memory it is ordered that the Executive Mansion and the several Departments at Washington be draped in mourning, and that all business be suspended on the day of the funeral.

U. S. GRANT.

GENERAL ORDERS, NO. 1.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 4, 1870.

By direction of the President of the United States, so much of General Orders, No. 103, dated Headquarters Third Military District (Department of Georgia, Florida, and Alabama), Atlanta, Ga., July 22, 1868, and so much of General Orders, No. 55, dated Headquarters of the Army, Adjutant-General's Office, Washington, July 28, 1868, as refers to the State of Georgia is hereby countermanded. Brevet Major-General Terry will until further orders exercise within that State the powers of the commander of a military district, as provided by the act of March 2, 1867, and the acts supplementary thereto, under his assignment by General Orders, No. 83, dated Headquarters of the Army, Adjutant-General's Office Washington, December 24, 1869.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General

GENERAL ORDERS, NO. 11.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 29, 1870.

I. The Senators and Representatives from the State of Virginia having been admitted to their respective Houses of Congress, the command known as the First Military District has ceased to exist.

II. By direction of the President, the States of Maryland, Virginia, West Virginia, and North Carolina will compose the Department of Virginia, under the command of Brevet Major-General E. R. S. Canby, headquarters at Richmond, Va., and will form a part of the Military Division of the Atlantic.

III. Commanding officers of all posts and detachments now serving in the limits of the new department will report to General Canby for instructions. The companies of the Eighth Infantry now serving in the State of North Carolina will be relieved as early as possible, and report to Brevet Major-General A. H. Terry, commanding Department of the South, for orders.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

GENERAL ORDERS, NO. 25.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 26, 1870.

I. The Senators and Representatives from the State of Mississippi having been admitted to their respective Houses of Congress, the command known as the Fourth Military District has ceased to exist.

II. By direction of the President, the State of Mississippi is attached to the Department of the Cumberland, and the officers and troops within the late Fourth Military District will accordingly report to Brevet Major-General Cooke, commanding the department.

III. The general commanding the late Fourth Military District will complete the records of that district as soon as practicable and send them to the Adjutant-General of the Army, except such military records as should properly be retained at the headquarters of the department, which he will send there.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

GENERAL ORDERS, NO. 35.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 31, 1870.

I. By order of the President of the United States, the State of Texas having been admitted to representation in Congress, the command heretofore known as the Fifth Military District will cease to exist, and will hereafter constitute a separate military department, headquarters Austin, Tex., Brevet Major-General J. J. Reynolds commanding.

II. The department known as the Department of Louisiana will be broken up; the State of Louisiana is hereby added to the Department of Texas, and the State of Arkansas to the Department of the Missouri. The commanding general Department of the Missouri will, as soon as convenient, relieve the garrison at Little Rock by a detachment from the Sixth Infantry, and the commanding officer of the troops now in Arkansas will report to General J. J. Reynolds for orders, to take effect as soon as replaced.

III. The new Department of Texas will form a part of the Military Division of the South.

By command of General Sherman:

E. D. TOWNSEND,
Adjutant-General.

SECOND ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 5, 1870.*

To the Senate and House of Representatives:

A year of peace and general prosperity to this nation has passed since the last assembling of Congress. We have, through a kind Providence, been blessed with abundant crops, and have been spared from complications and war with foreign nations. In our midst comparative harmony has been restored. It is to be regretted, however, that a free exercise of the elective franchise has by violence and intimidation been denied to citizens in exceptional cases in several of the States lately in rebellion, and the verdict of the people has thereby been reversed. The States of Virginia, Mississippi, and Texas have been restored to representation in our national councils. Georgia, the only State now without representation, may confidently be expected to take her place there also at the beginning of the new year, and then, let us hope, will be completed the work of reconstruction. With an acquiescence on the part of the whole people in the national obligation to pay the public debt created as the price of our Union, the pensions to our disabled soldiers and sailors and their widows and orphans, and in the changes to the Constitution which have been made necessary by a great rebellion, there is no reason why we should not advance in material prosperity and happiness as no other nation ever did after so protracted and devastating a war.

Soon after the existing war broke out in Europe the protection of the United States minister in Paris was invoked in favor of North Germans domiciled in French territory. Instructions were issued to grant the protection. This has been followed by an extension of American protection to citizens of Saxony, Hesse and Saxe-Coburg, Gotha, Colombia, Portugal, Uruguay, the Dominican Republic, Ecuador, Chile, Paraguay, and Venezuela in Paris. The charge was an onerous one, requiring constant and severe labor, as well as the exercise of patience, prudence, and good judgment. It has been performed to the entire satisfaction of this Government, and, as I am officially informed, equally so to the satisfaction of the Government of North Germany.

As soon as I learned that a republic had been proclaimed at Paris and that the people of France had acquiesced in the change, the minister of the United States was directed by telegraph to recognize it and to tender my congratulations and those of the people of the United States. The reestablishment in France of a system of government disconnected with the dynastic traditions of Europe appeared to be a proper subject for the felicitations of Americans. Should the present struggle result in attaching the hearts of the French to our simpler forms of representative government, it will be a subject of still further satisfaction to our people.

While we make no effort to impose our institutions upon the inhabitants of other countries, and while we adhere to our traditional neutrality in civil contests elsewhere, we can not be indifferent to the spread of American political ideas in a great and highly civilized country like France.

We were asked by the new Government to use our good offices, jointly with those of European powers, in the interests of peace. Answer was made that the established policy and the true interests of the United States forbade them to interfere in European questions jointly with European powers. I ascertained, informally and unofficially, that the Government of North Germany was not then disposed to listen to such representations from any power, and though earnestly wishing to see the blessings of peace restored to the belligerents, with all of whom the United States are on terms of friendship, I declined on the part of this Government to take a step which could only result in injury to our true interests without advancing the object for which our intervention was invoked. Should the time come when the action of the United States can hasten the return of peace by a single hour, that action will be heartily taken. I deemed it prudent, in view of the number of persons of German and French birth living in the United States, to issue, soon after official notice of a state of war had been received from both belligerents, a proclamation* defining the duties of the United States as a neutral and the obligations of persons residing within their territory to observe their laws and the laws of nations. This proclamation was followed by others,† as circumstances seemed to call for them. The people, thus acquainted in advance of their duties and obligations, have assisted in preventing violations of the neutrality of the United States.

It is not understood that the condition of the insurrection in Cuba has materially changed since the close of the last session of Congress. In an early stage of the contest the authorities of Spain inaugurated a system of arbitrary arrests, of close confinement, and of military trial and execution of persons suspected of complicity with the insurgents, and of summary embargo of their properties, and sequestration of their revenues by executive warrant. Such proceedings, so far as they affected the persons or property of citizens of the United States, were in violation of the provisions of the treaty of 1795 between the United States and Spain.

Representations of injuries resulting to several persons claiming to be citizens of the United States by reason of such violations were made to the Spanish Government. From April, 1869, to June last the Spanish minister at Washington had been clothed with a limited power to aid in redressing such wrongs. That power was found to be withdrawn, "in view," as it was said, "of the favorable situation in which the island of Cuba" then "was," which, however, did not lead to a revocation or suspension of the extraordinary and arbitrary functions exercised by the executive power in Cuba, and we were obliged to make our complaints

*See pp. 4040-4043. †See pp. 4043-4046.

at Madrid. In the negotiations thus opened, and still pending there, the United States only claimed that for the future the rights secured to their citizens by treaty should be respected in Cuba, and that as to the past a joint tribunal should be established in the United States with full jurisdiction over all such claims. Before such an impartial tribunal each claimant would be required to prove his case. On the other hand, Spain would be at liberty to traverse every material fact, and thus complete equity would be done. A case which at one time threatened seriously to affect the relations between the United States and Spain has already been disposed of in this way. The claim of the owners of the *Colonel Lloyd Aspinwall* for the illegal seizure and detention of that vessel was referred to arbitration by mutual consent, and has resulted in an award to the United States, for the owners, of the sum of $19,702.50 in gold. Another and long-pending claim of like nature, that of the whaleship *Canada*, has been disposed of by friendly arbitrament during the present year. It was referred, by the joint consent of Brazil and the United States, to the decision of Sir Edward Thornton, Her Britannic Majesty's minister at Washington, who kindly undertook the laborious task of examining the voluminous mass of correspondence and testimony submitted by the two Governments, and awarded to the United States the sum of $100,740.09 in gold, which has since been paid by the Imperial Government. These recent examples show that the mode which the United States have proposed to Spain for adjusting the pending claims is just and feasible, and that it may be agreed to by either nation without dishonor. It is to be hoped that this moderate demand may be acceded to by Spain without further delay. Should the pending negotiations, unfortunately and unexpectedly, be without result, it will then become my duty to communicate that fact to Congress and invite its action on the subject.

The long-deferred peace conference between Spain and the allied South American Republics has been inaugurated in Washington under the auspices of the United States. Pursuant to the recommendation contained in the resolution of the House of Representatives of the 17th of December, 1866, the executive department of the Government offered its friendly offices for the promotion of peace and harmony between Spain and the allied Republics. Hesitations and obstacles occurred to the acceptance of the offer. Ultimately, however, a conference was arranged, and was opened in this city on the 29th of October last, at which I authorized the Secretary of State to preside. It was attended by the ministers of Spain, Peru, Chile, and Ecuador. In consequence of the absence of a representative from Bolivia, the conference was adjourned until the attendance of a plenipotentiary from that Republic could be secured or other measures could be adopted toward compassing its objects.

The allied and other Republics of Spanish origin on this continent may see in this fact a new proof of our sincere interest in their welfare, of our desire to see them blessed with good governments, capable of maintaining order and of preserving their respective territorial integrity, and of our sincere wish to extend our own commercial and social relations with them. The time is not probably far distant when, in the natural course of events, the European political connection with this continent will cease. Our policy should be shaped, in view of this probability, so as to ally the commercial interests of the Spanish American States more closely to our own, and thus give the United States all the preeminence and all the advantage which Mr. Monroe, Mr. Adams, and Mr. Clay contemplated when they proposed to join in the congress of Panama.

During the last session of Congress a treaty for the annexation of the Republic of San Domingo to the United States failed to receive the requisite two-thirds vote of the Senate. I was thoroughly convinced then that the best interests of this country, commercially and materially, demanded its ratification. Time has only confirmed me in this view. I now firmly believe that the moment it is known that the United States have entirely abandoned the project of accepting as a part of its territory the island of San Domingo a free port will be negotiated for by European nations in the Bay of Samana. A large commercial city will spring up, to which we will be tributary without receiving corresponding benefits, and then will be seen the folly of our rejecting so great a prize. The Government of San Domingo has voluntarily sought this annexation. It is a weak power, numbering probably less than 120,000 souls, and yet possessing one of the richest territories under the sun, capable of supporting a population of 10,000,000 people in luxury. The people of San Domingo are not capable of maintaining themselves in their present condition, and must look for outside support. They yearn for the protection of our free institutions and laws, our progress and civilization. Shall we refuse them?

The acquisition of San Domingo is desirable because of its geographical position. It commands the entrance to the Caribbean Sea and the Isthmus transit of commerce. It possesses the richest soil, best and most capacious harbors, most salubrious climate, and the most valuable products of the forests, mine, and soil of any of the West India Islands. Its possession by us will in a few years build up a coastwise commerce of immense magnitude, which will go far toward restoring to us our lost merchant marine. It will give to us those articles which we consume so largely and do not produce, thus equalizing our exports and imports. In case of foreign war it will give us command of all the islands referred to, and thus prevent an enemy from ever again possessing himself of rendezvous upon our very coast. At present our coast trade between the States bordering on the Atlantic and those bordering on the Gulf of Mexico is cut into by the Bahamas and the Antilles. Twice we must, as it were, pass through foreign countries to get by sea from Georgia to the west coast of Florida.

San Domingo, with a stable government, under which her immense resources can be developed, will give remunerative wages to tens of thousands of laborers not now upon the island. This labor will take advantage of every available means of transportation to abandon the adjacent islands and seek the blessings of freedom and its sequence—each inhabitant receiving the reward of his own labor. Porto Rico and Cuba will have to abolish slavery, as a measure of self-preservation, to retain their laborers.

San Domingo will become a large consumer of the products of Northern farms and manufactories. The cheap rate at which her citizens can be furnished with food, tools, and machinery will make it necessary that contiguous islands should have the same advantages in order to compete in the production of sugar, coffee, tobacco, tropical fruits, etc. This will open to us a still wider market for our products. The production of our own supply of these articles will cut off more than one hundred millions of our annual imports, besides largely increasing our exports. With such a picture it is easy to see how our large debt abroad is ultimately to be extinguished. With a balance of trade against us (including interest on bonds held by foreigners and money spent by our citizens traveling in foreign lands) equal to the entire yield of the precious metals in this country, it is not so easy to see how this result is to be otherwise accomplished.

The acquisition of San Domingo is an adherence to the "Monroe doctrine;" it is a measure of national protection; it is asserting our just claim to a controlling influence over the great commercial traffic soon to flow from west to east by way of the Isthmus of Darien; it is to build up our merchant marine; it is to furnish new markets for the products of our farms, shops, and manufactories; it is to make slavery insupportable in Cuba and Porto Rico at once, and ultimately so in Brazil; it is to settle the unhappy condition of Cuba and end an exterminating conflict; it is to provide honest means of paying our honest debts without overtaxing the people; it is to furnish our citizens with the necessaries of everyday life at cheaper rates than ever before; and it is, in fine, a rapid stride toward that greatness which the intelligence, industry, and enterprise of the citizens of the United States entitle this country to assume among nations.

In view of the importance of this question, I earnestly urge upon Congress early action expressive of its views as to the best means of acquiring San Domingo. My suggestion is that by joint resolution of the two Houses of Congress the Executive be authorized to appoint a commission to negotiate a treaty with the authorities of San Domingo for the acquisition of that island, and that an appropriation be made to defray the expenses of such a commission. The question may then be determined, either by the action of the Senate upon the treaty or the joint action of the two Houses of Congress upon a resolution of annexation, as in the case of the acquisition of Texas. So convinced am I of the advantages to flow from the acquisition of San Domingo, and of the great disadvantages—I might almost say calamities—to flow from nonacquisition, that I believe the subject has only to be investigated to be approved.

It is to be regretted that our representations in regard to the injurious effects, especially upon the revenue of the United States, of the policy of the Mexican Government in exempting from impost duties a large tract of its territory on our borders have not only been fruitless, but that it is even proposed in that country to extend the limits within which the privilege adverted to has hitherto been enjoyed. The expediency of taking into your serious consideration proper measures for countervailing the policy referred to will, it is presumed, engage your earnest attention.

It is the obvious interest, especially of neighboring nations, to provide against impunity to those who may have committed high crimes within their borders and who may have sought refuge abroad. For this purpose extradition treaties have been concluded with several of the Central American Republics, and others are in progress.

The sense of Congress is desired, as early as may be convenient, upon the proceedings of the commission on claims against Venezuela, as communicated in my messages of March 16, 1869, March 1, 1870, and March 31, 1870. It has not been deemed advisable to distribute any of the money which has been received from that Government until Congress shall have acted on the subject.

The massacres of French and Russian residents at Tien-Tsin, under circumstances of great barbarity, was supposed by some to have been premeditated, and to indicate a purpose among the populace to exterminate foreigners in the Chinese Empire. The evidence fails to establish such a supposition, but shows a complicity between the local authorities and the mob. The Government at Peking, however, seems to have been disposed to fulfill its treaty obligations so far as it was able to do so. Unfortunately, the news of the war between the German States and France reached China soon after the massacre. It would appear that the popular mind became possessed with the idea that this contest, extending to Chinese waters, would neutralize the Christian influence and power, and that the time was coming when the superstitious masses might expel all foreigners and restore mandarin influence. Anticipating trouble from this cause, I invited France and North Germany to make an authorized suspension of hostilities in the East (where they were temporarily suspended by act of the commanders), and to act together for the future protection in China of the lives and properties of Americans and Europeans.

Since the adjournment of Congress the ratifications of the treaty with Great Britain for abolishing the mixed courts for the suppression of the slave trade have been exchanged. It is believed that the slave trade is now confined to the eastern coast of Africa, whence the slaves are taken to Arabian markets.

The ratifications of the naturalization convention between Great Britain and the United States have also been exchanged during the recess, and thus a long-standing dispute between the two Governments has been settled in accordance with the principles always contended for by the United States.

In April last, while engaged in locating a military reservation near Pembina, a corps of engineers discovered that the commonly received boundary line between the United States and the British possessions at that place is about 4,700 feet south of the true position of the forty-ninth parallel, and that the line, when run on what is now supposed to be the true position of that parallel, would leave the fort of the Hudsons Bay Company at Pembina within the territory of the United States. This information being communicated to the British Government, I was requested to consent, and did consent, that the British occupation of the fort of the Hudsons Bay Company should continue for the present. I deem it important, however, that this part of the boundary line should be definitely fixed by a joint commission of the two Governments, and I submit herewith estimates of the expense of such a commission on the part of the United States and recommend that an appropriation be made for that purpose. The land boundary has already been fixed and marked from the summit of the Rocky Mountains to the Georgian Bay. It should now be in like manner marked from the Lake of the Woods to the summit of the Rocky Mountains.

I regret to say that no conclusion has been reached for the adjustment of the claims against Great Britain growing out of the course adopted by that Government during the rebellion. The cabinet of London, so far as its views have been expressed, does not appear to be willing to concede that Her Majesty's Government was guilty of any negligence, or did or permitted any act during the war by which the United States has just cause of complaint. Our firm and unalterable convictions are directly the reverse. I therefore recommend to Congress to authorize the appointment of a commission to take proof of the amount and the ownership of these several claims, on notice to the representative of Her Majesty at Washington, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims, as well as the responsible control of all the demands against Great Britain. It can not be necessary to add that whenever Her Majesty's Government shall entertain a desire for a full and friendly adjustment of these claims the United States will enter upon their consideration with an earnest desire for a conclusion consistent with the honor and dignity of both nations.

The course pursued by the Canadian authorities toward the fishermen of the United States during the past season has not been marked by a

A SESSION OF THE ALABAMA CLAIMS ARBITRATORS

SETTLEMENT OF ALABAMA CLAIMS

The modern world, up to 1872, had not beheld any example of the settlement of international disputes by peaceful process of law. When the irritating nature of the controversy and the popular readiness for war in both countries are considered, the glory of the achievement is increased. The maintenance of peace between the United States and Great Britain and the exclusion of all but friendly rivalry between them is of vast importance to our race and to all the world. One of the most valuable results, therefore, of the Geneva Arbitration was the code of rules there devised to govern Anglo-American relations.

The two men most closely associated with the event are President Grant and Hamilton Fish, his Secretary of State. Their narrative of the negotiations will be found by consulting the heading "Alabama Claims," in the Encyclopedic Index, where are cited the pages on which discussions of the matter occur. The article on the Alabama Claims which precedes the page citations, presents a brief summary of the case.

friendly feeling. By the first article of the convention of 1818 between Great Britain and the United States it was agreed that the inhabitants of the United States should have forever, in common with British subjects, the right of taking fish in certain waters therein defined. In the waters not included in the limits named in the convention (within 3 miles of parts of the British coast) it has been the custom for many years to give to intruding fishermen of the United States a reasonable warning of their violation of the technical rights of Great Britain. The Imperial Government is understood to have delegated the whole or a share of its jurisdiction or control of these inshore fishing grounds to the colonial authority known as the Dominion of Canada, and this semi-independent but irresponsible agent has exercised its delegated powers in an unfriendly way. Vessels have been seized without notice or warning, in violation of the custom previously prevailing, and have been taken into the colonial ports, their voyages broken up, and the vessels condemned. There is reason to believe that this unfriendly and vexatious treatment was designed to bear harshly upon the hardy fishermen of the United States, with a view to political effect upon this Government. The statutes of the Dominion of Canada assume a still broader and more untenable jurisdiction over the vessels of the United States. They authorize officers or persons to bring vessels hovering within 3 marine miles of any of the coasts, bays, creeks, or harbors of Canada into port, to search the cargo, to examine the master on oath touching the cargo and voyage, and to inflict upon him a heavy pecuniary penalty if true answers are not given; and if such a vessel is found "preparing to fish" within 3 marine miles of any of such coasts, bays, creeks, or harbors without a license, or after the expiration of the period named in the last license granted to it, they provide that the vessel, with her tackle, etc., shall be forfeited. It is not known that any condemnations have been made under this statute. Should the authorities of Canada attempt to enforce it, it will become my duty to take such steps as may be necessary to protect the rights of the citizens of the United States.

It has been claimed by Her Majesty's officers that the fishing vessels of the United States have no right to enter the open ports of the British possessions in North America, except for the purposes of shelter and repairing damages, of purchasing wood and obtaining water; that they have no right to enter at the British custom-houses or to trade there except in the purchase of wood and water, and that they must depart within twenty-four hours after notice to leave. It is not known that any seizure of a fishing vessel carrying the flag of the United States has been made under this claim. So far as the claim is founded on an alleged construction of the convention of 1818, it can not be acquiesced in by the United States. It is hoped that it will not be insisted on by Her Majesty's Government.

During the conferences which preceded the negotiation of the convention of 1818 the British commissioners proposed to expressly exclude the fishermen of the United States from "the privilege of carrying on trade with any of His Britannic Majesty's subjects residing within the limits assigned for their use;" and also that it should not be "lawful for the vessels of the United States engaged in said fishery to have on board any goods, wares, or merchandise whatever, except such as may be necessary for the prosecution of their voyages to and from the said fishing grounds: and any vessel of the United States which shall contravene this regulation may be seized, condemned, and confiscated, with her cargo."

This proposition, which is identical with the construction now put upon the language of the convention, was emphatically rejected by the American commissioners, and thereupon was abandoned by the British plenipotentiaries, and Article I, as it stands in the convention, was substituted.

If, however, it be said that this claim is founded on provincial or colonial statutes, and not upon the convention, this Government can not but regard them as unfriendly, and in contravention of the spirit, if not of the letter, of the treaty, for the faithful execution of which the Imperial Government is alone responsible.

Anticipating that an attempt may possibly be made by the Canadian authorities in the coming season to repeat their unneighborly acts toward our fishermen, I recommend you to confer upon the Executive the power to suspend by proclamation the operation of the laws authorizing the transit of goods, wares, and merchandise in bond across the territory of the United States to Canada, and, further, should such an extreme measure become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States.

A like unfriendly disposition has been manifested on the part of Canada in the maintenance of a claim of right to exclude the citizens of the United States from the navigation of the St. Lawrence. This river constitutes a natural outlet to the ocean for eight States, with an aggregate population of about 17,600,000 inhabitants, and with an aggregate tonnage of 661,367 tons upon the waters which discharge into it. The foreign commerce of our ports on these waters is open to British competition, and the major part of it is done in British bottoms.

If the American seamen be excluded from this natural avenue to the ocean, the monopoly of the direct commerce of the lake ports with the Atlantic would be in foreign hands, their vessels on transatlantic voyages having an access to our lake ports which would be denied to American vessels on similar voyages. To state such a proposition is to refute its justice.

During the Administration of Mr. John Quincy Adams Mr. Clay unanswerably demonstrated the natural right of the citizens of the United States to the navigation of this river, claiming that the act of the congress of Vienna in opening the Rhine and other rivers to all nations showed the judgment of European jurists and statesmen that the inhabitants of a country through which a navigable river passes have a natural right to enjoy the navigation of that river to and into the sea, even though passing through the territories of another power. This right does not exclude the coequal right of the sovereign possessing the territory through which the river debouches into the sea to make such regulations relative to the police of the navigation as may be reasonably necessary; but those regulations should be framed in a liberal spirit of comity, and should not impose needless burdens upon the commerce which has the right of transit. It has been found in practice more advantageous to arrange these regulations by mutual agreement. The United States are ready to make any reasonable arrangement as to the police of the St. Lawrence which may be suggested by Great Britain.

If the claim made by Mr. Clay was just when the population of States bordering on the shores of the Lakes was only 3,400,000, it now derives greater force and equity from the increased population, wealth, production, and tonnage of the States on the Canadian frontier. Since Mr. Clay advanced his argument in behalf of our right the principle for which he contended has been frequently, and by various nations, recognized by law or by treaty, and has been extended to several other great rivers. By the treaty concluded at Mayence in 1831 the Rhine was declared free from the point where it is first navigable into the sea. By the convention between Spain and Portugal concluded in 1835 the navigation of the Douro throughout its whole extent was made free for the subjects of both Crowns. In 1853 the Argentine Confederation by treaty threw open the free navigation of the Parana and the Uruguay to the merchant vessels of all nations. In 1856 the Crimean War was closed by a treaty which provided for the free navigation of the Danube. In 1858 Bolivia by treaty declared that it regarded the rivers Amazon and La Plata, in accordance with fixed principles of national law, as highways or channels opened by nature for the commerce of all nations. In 1859 the Paraguay was made free by treaty, and in December, 1866, the Emperor of Brazil by imperial decree declared the Amazon to be open to the frontier of Brazil to the merchant ships of all nations. The greatest living British authority on this subject, while asserting the abstract right of the British claim, says:

> It seems difficult to deny that Great Britain may ground her refusal upon strict *law*, but it is equally difficult to deny, first, that in so doing she exercises harshly an extreme and hard law; secondly, that her conduct with respect to the navigation of the St. Lawrence is in glaring and discreditable inconsistency with her conduct with respect to the navigation of the Mississippi. On the ground that she possessed a small domain in which the Mississippi took its rise, she insisted on the right to navigate the entire volume of its waters. On the ground that she possesses both banks of the St. Lawrence, where it disembogues itself into the sea, she denies to the United States the right of navigation, though about one-half of the waters of Lakes Ontario, Erie, Huron, and Superior, and the whole of Lake Michigan, through which the river flows, are the property of the United States.

The whole nation is interested in securing cheap transportation from the agricultural States of the West to the Atlantic Seaboard. To the citizens of those States it secures a greater return for their labor; to the inhabitants of the seaboard it affords cheaper food; to the nation, an increase in the annual surplus of wealth. It is hoped that the Government of Great Britain will see the justice of abandoning the narrow and inconsistent claim to which her Canadian Provinces have urged her adherence.

Our depressed commerce is a subject to which I called your special attention at the last session, and suggested that we will in the future have to look more to the countries south of us, and to China and Japan, for its revival. Our representatives to all these Governments have exerted their influence to encourage trade between the United States and the countries to which they are accredited. But the fact exists that the carrying is done almost entirely in foreign bottoms, and while this state of affairs exists we can not control our due share of the commerce of the world; that between the Pacific States and China and Japan is about all the carrying trade now conducted in American vessels. I would recommend a liberal policy toward that line of American steamers—one that will insure its success, and even increased usefulness.

The cost of building iron vessels, the only ones that can compete with foreign ships in the carrying trade, is so much greater in the United States than in foreign countries that without some assistance from the Government they can not be successfully built here. There will be several propositions laid before Congress in the course of the present session looking to a remedy for this evil. Even if it should be at some cost to the National Treasury, I hope such encouragement will be given as will secure American shipping on the high seas and American shipbuilding at home.

The condition of the archives at the Department of State calls for the early action of Congress. The building now rented by that Department is a frail structure, at an inconvenient distance from the Executive Mansion and from the other Departments, is ill adapted to the purpose for which it is used, has not capacity to accommodate the archives, and is not fireproof. Its remote situation, its slender construction, and the absence of a supply of water in the neighborhood leave but little hope of safety for either the building or its contents in case of the accident of a fire. Its destruction would involve the loss of the rolls containing the original acts and resolutions of Congress, of the historic records of the Revolution and of the Confederation, of the whole series of diplomatic and consular archives since the adoption of the Constitution, and of the many other valuable records and papers left with that Department when it was the principal depository of the governmental archives. I recommend an appropriation for the construction of a building for the Department of State.

I recommend to your consideration the propriety of transferring to the Department of the Interior, to which they seem more appropriately to belong, all powers and duties in relation to the Territories with which the Department of State is now charged by law or usage; and from the Interior Department to the War Department the Pension Bureau, so far as it regulates the payment of soldiers' pensions. I would further recommend that the payment of naval pensions be transferred to one of the bureaus of the Navy Department.

The estimates for the expenses of the Government for the next fiscal year are $18,244,346.01 less than for the current one, but exceed the appropriations for the present year for the same items $8,972,127.56. In this estimate, however, is included $22,338,278.37 for public works heretofore begun under Congressional provision, and of which only so much is asked as Congress may choose to give. The appropriation for the same works for the present fiscal year was $11,984,518.08.

The average value of gold, as compared with national currency, for the whole of the year 1869 was about 134, and for eleven months of 1870 the same relative value has been about 115. The approach to a specie basis is very gratifying, but the fact can not be denied that the instability of the value of our currency is prejudicial to our prosperity, and tends to keep up prices, to the detriment of trade. The evils of a depreciated and fluctuating currency are so great that now, when the premium on gold has fallen so much, it would seem that the time has arrived when by wise and prudent legislation Congress should look to a policy which would place our currency at par with gold at no distant day.

The tax collected from the people has been reduced more than $80,000,000 per annum. By steadiness in our present course there is no reason why in a few short years the national taxgatherer may not disappear from the door of the citizen almost entirely. With the revenue stamp dispensed by postmasters in every community, a tax upon liquors of all sorts and tobacco in all its forms, and by a wise adjustment of the tariff, which will put a duty only upon those articles which we could dispense with, known as luxuries, and on those which we use more of than we produce, revenue enough may be raised after a few years of peace and consequent reduction of indebtedness to fulfill all our obligations. A further reduction of expenses, in addition to a reduction of interest account, may be relied on to make this practicable. Revenue reform, if it means this, has my hearty support. If it implies a collection of all the revenue for the support of the Government, for the payment of principal and interest of the public debt, pensions, etc., by directly taxing the people, then I am against revenue reform, and confidently believe the people are with me. If it means failure to provide the necessary means to defray all the expenses of Government, and thereby repudiation of the public debt and pensions, then I am still more opposed to such kind of revenue reform. Revenue reform has not been defined by any of its advocates to my knowledge, but seems to be accepted as something which is to supply every man's wants without any cost or effort on his part.

A true revenue reform can not be made in a day, but must be the work of national legislation and of time. As soon as the revenue can be dispensed with, all duty should be removed from coffee, tea and other articles of universal use not produced by ourselves. The necessities of the country compel us to collect revenue from our imports. An army of assessors and collectors is not a pleasant sight to the citizen, but that of a tariff for revenue is necessary. Such a tariff, so far as it acts as an encouragement to home production, affords employment to labor at living wages, in contrast to the pauper labor of the Old World, and also in the development of home resources.

Under the act of Congress of the 15th day of July, 1870, the Army has gradually been reduced, so that on the 1st day of January, 1871, the number of commissioned officers and men will not exceed the number contemplated by that law.

The War Department building is an old structure, not fireproof, and entirely inadequate in dimensions to our present wants. Many thousands of dollars are now paid annually for rent of private buildings to accommodate the various bureaus of the Department. I recommend an appropriation for a new War Department building, suited to the present and growing wants of the nation.

The report of the Secretary of War shows a very satisfactory reduction in the expenses of the Army for the last fiscal year. For details you are referred to his accompanying report.

The expenses of the Navy for the whole of the last year—*i. e.*, from December 1, 1869, the date of the last report—are less than $19,000,000, or about $1,000,000 less than they were the previous year. The expenses since the commencement of this fiscal year— *i. e.*, since July 1—show for the five months a decrease of over $2,400,000 from those of the corresponding months last year. The estimates for the current year were $28,205,671.37. Those for next year are $20,683,317, with $955,100 additional for necessary permanent improvements. These estimates are made closely for the mere maintenance of the naval establishment as it now is, without much in the nature of permanent improvement. The appropriations made for the last and current years were evidently intended by Congress, and are sufficient only, to keep the Navy on its present footing by the repairing and refitting of our old ships.

This policy must, of course, gradually but surely destroy the Navy, and it is in itself far from economical, as each year that it is pursued the necessity for mere repairs in ships and navy-yards becomes more imperative and more costly, and our current expenses are annually increased for the mere repair of ships, many of which must soon become unsafe and useless. I hope during the present session of Congress to be able to submit to it a plan by which naval vessels can be built and repairs made with great saving upon the present cost.

It can hardly be wise statesmanship in a Government which represents a country with over 5,000 miles of coast line on both oceans, exclusive of Alaska, and containing 40,000,000 progressive people, with relations of every nature with almost every foreign country, to rest with such inadequate means of enforcing any foreign policy, either of protection or redress. Separated by the ocean from the nations of the Eastern Continent, our Navy is our only means of direct protection to our citizens abroad or for the enforcement of any foreign policy.

The accompanying report of the Postmaster-General shows a most satisfactory working of that Department. With the adoption of the recommendations contained therein, particularly those relating to a reform in the franking privilege and the adoption of the "correspondence cards," a self-sustaining postal system may speedily be looked for, and at no distant day a further reduction of the rate of postage be attained.

I recommend authorization by Congress to the Postmaster-General and Attorney-General to issue all commissions to officials appointed through their respective Departments. At present these commissions, where appointments are Presidential, are issued by the State Department. The law in all the Departments of Government, except those of the Post-Office and of Justice, authorizes each to issue its own commissions.

Always favoring practical reforms, I respectfully call your attention to one abuse of long standing which I would like to see remedied by this Congress. It is a reform in the civil service of the country. I would have it go beyond the mere fixing of the tenure of office of clerks and employees who do not require "the advice and consent of the Senate" to make their appointments complete. I would have it govern, not the tenure, but the manner of making all appointments. There is no duty which so much embarrasses the Executive and heads of Departments as that of appointments, nor is there any such arduous and thankless labor imposed on Senators and Representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men, for public place. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

Reform in the management of Indian affairs has received the special attention of the Administration from its inauguration to the present day. The experiment of making it a missionary work was tried with a few agencies given to the denomination of Friends, and has been found to work most advantageously. All agencies and superintendencies not so disposed of were given to officers of the Army. The act of Congress reducing the Army renders army officers ineligible for civil positions. Indian agencies being civil offices, I determined to give all the agencies to such religious denominations as had heretofore established missionaries among the Indians, and perhaps to some other denominations who would undertake the work on the same terms—*i. e.*, as a missionary work. The societies selected are allowed to name their own agents, subject to the approval of the Executive, and are expected to watch over them and aid them as missionaries, to Christianize and civilize the Indian, and to train him in the arts of peace. The Government watches over the official acts of these agents, and requires of them as strict an accountability as if they were appointed in any other manner. I entertain the confident hope that the policy now pursued will in a few years bring all the Indians upon reservations, where they will live in houses, and have schoolhouses and churches, and will be pursuing peaceful and self-sustaining avocations, and where they may be visited by the law-abiding white man with the same impunity that he now visits the civilized white settlements. I call your special attention to the report of the Commissioner of Indian Affairs for full information on this subject.

During the last fiscal year 8,095,413 acres of public land were disposed of. Of this quantity 3,698,910.05 acres were taken under the homestead law and 2,159,515.81 acres sold for cash. The remainder was located with military warrants, college or Indian scrip, or applied in satisfaction of grants to railroads or for other public uses. The entries under the homestead law during the last year covered 961,545 acres more than those during the preceding year. Surveys have been vigorously prosecuted to the full extent of the means applicable to the purpose. The quantity of land in market will amply supply the present demand. The claim of the settler under the homestead or the preemption laws is not, however, limited to lands subject to sale at private entry. Any unappropriated surveyed public land may, to a limited amount, be acquired under the former laws if the party entitled to enter under them will comply with the requirements they prescribe in regard to the residence and cultivation. The actual settler's preference right of purchase is even broader, and extends to lands which were unsurveyed at the time of his settlement. His right was formerly confined within much narrower limits, and at one period of our history was conferred only by special statutes. They were enacted from time to time to legalize what was then regarded as an unauthorized intrusion upon the national domain. The opinion that the public lands should be regarded chiefly as a source of revenue is no longer maintained. The rapid settlement and successful cultivation of them are now justly considered of more importance to our well-being than is the fund which the sale of them would produce. The remarkable growth and prosperity of our new States and Territories attest the wisdom of the legislation which invites the tiller of the soil to secure a permanent home on terms within the reach of all. The pioneer who incurs the dangers and privations of a frontier life, and thus aids in laying the foundation of new commonwealths, renders a signal service to his country, and is entitled to its special favor and protection. These laws secure that object and largely promote the general welfare. They should therefore be cherished as a permanent feature of our land system.

Good faith requires us to give full effect to existing grants. The time-honored and beneficent policy of setting apart certain sections of public land for educational purposes in the new States should be continued. When ample provision shall have been made for these objects, I submit as a question worthy of serious consideration whether the residue of our national domain should not be wholly disposed of under the provisions of the homestead and preemption laws.

In addition to the swamp and overflowed lands granted to the States in which they are situated, the lands taken under the agricultural-college acts and for internal-improvement purposes under the act of September, 1841, and the acts supplemental thereto, there had been conveyed up to the close of the last fiscal year, by patent or other equivalent title, to States and corporations 27,836,257.63 acres for railways, canals, and wagon roads. It is estimated that an additional quantity of 174,735,523 acres is still due under grants for like uses. The policy of thus aiding the States in building works of internal improvement was inaugurated more than forty years since in the grants to Indiana and Illinois, to aid those States in opening canals to connect the waters of the Wabash with those of Lake Erie and the waters of the Illinois with those of Lake Michigan. It was followed, with some modifications, in the grant to Illinois of alternate sections of public land within certain limits of the Illinois Central Railway. Fourteen States and sundry corporations have received similar subsidies in connection with railways completed or in process of construction. As the reserved sections are rated at the double minimum, the sale of them at the enhanced price has thus in many instances indemnified the Treasury for the granted lands. The construction of some of these thoroughfares has undoubtedly given a vigorous impulse to the development of our resources and the settlement of the more distant portions of the country. It may, however, be well insisted that much of our legislation in this regard has been characterized by indiscriminate and profuse liberality. The United States should not loan their credit in aid of any enterprise undertaken by States or corporations, nor grant lands in any instance, unless the projected work is of acknowledged national importance. I am strongly inclined to the opinion that it is inexpedient and unnecessary to bestow subsidies of either description; but should Congress determine otherwise I earnestly recommend that the right of settlers and of the public be more effectually secured and protected by appropriate legislation.

During the year ending September 30, 1870, there were filed in the Patent Office 19,411 applications for patents, 3,374 caveats, and 160 applications for the extension of patents. Thirteen thousand six hundred and twenty-two patents, including reissues and designs, were issued, 1,010 extended, and 1,089 allowed, but not issued by reason of the nonpayment of the final fees. The receipts of the office during the fiscal year were $136,304.29 in excess of its expenditures.

The work of the Census Bureau has been energetically prosecuted. The preliminary report, containing much information of special value and interest, will be ready for delivery during the present session. The remaining volumes will be completed with all the dispatch consistent with perfect accuracy in arranging and classifying the returns. We shall thus at no distant day be furnished with an authentic record of our condition and resources. It will, I doubt not, attest the growing prosperity of the country, although during the decade which has just closed it was so severely tried by the great war waged to maintain its integrity and to secure and perpetuate our free institutions.

During the last fiscal year the sum paid to pensioners, including the cost of disbursement, was $27,780,811.11, and 1,758 bounty-land warrants were issued. At its close 198,686 names were on the pension rolls.

The labors of the Pension Office have been directed to the severe scrutiny of the evidence submitted in favor of new claims and to the discovery of fictitious claims which have been heretofore allowed. The appropriation for the employment of special agents for the investigation of frauds has been judiciously used, and the results obtained have been of unquestionable benefit to the service.

The subjects of education and agriculture are of great interest to the success of our republican institutions, happiness, and grandeur as a nation. In the interest of one a bureau has been established in the Interior Department—the Bureau of Education; and in the interest of the other, a separate Department, that of Agriculture. I believe great general good is to flow from the operations of both these Bureaus if properly fostered. I can not commend to your careful consideration too highly the reports of the Commissioners of Education and of Agriculture, nor urge too strongly such liberal legislation as to secure their efficiency.

In conclusion I would sum up the policy of the Administration to be a thorough enforcement of every law; a faithful collection of every tax provided for; economy in the disbursement of the same; a prompt payment of every debt of the nation; a reduction of taxes as rapidly as the requirements of the country will admit; reductions of taxation and tariff, to be so arranged as to afford the greatest relief to the greatest number; honest and fair dealings with all other peoples, to the end that war, with all its blighting consequences, may be avoided, but without surrendering any right or obligation due to us; a reform in the treatment of Indians and in the whole civil service of the country; and, finally, in securing a pure, untrammeled ballot, where every man entitled to cast a vote may do so, just once at each election, without fear of molestation or proscription on account of his political faith, nativity, or color.

U. S. GRANT.

SPECIAL MESSAGES.

DECEMBER 6, 1870.

To the Senate and House of Representatives:

In pursuance of the provisions of the second section of an act approved June 20, 1864, entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1865, and for other purposes," I inform Congress that Louis W. Viollier, a consular clerk, was, on the 26th day of September last, removed from office for the following causes, namely: For disobedience of orders and continued absence from duty after orders to proceed to his post.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated the 5th instant, with the accompanying papers,* received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for the surrender of criminals between the United States of America and the Republic of Guatemala, signed on the 11th day of October last, together with correspondence on the subject, a list of which is given.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention for the extradition of criminals fugitives from justice between the United States of America and the Republic of Nicaragua, signed at the city of Nicaragua on the 5th day of June last, together with correspondence upon the subject, of which a list is annexed.

U. S. GRANT.

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*Report of fees collected, etc., by consular officers of the United States for 1868, and tariff of consular fees prescribed by the President October 1, 1870.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty for the extradition of criminals fugitives from justice between the United States and the Republic of Peru, signed at Lima on the 12th day of September last. As this treaty contains some stipulations of an unusual character, the special attention of the Senate is called to them.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty of friendship, commerce, and navigation between the United States of America and the Republic of Peru, signed at the city of Lima on the 6th day of September last, together with the correspondence in relation thereto, a list of which is annexed.

U. S. GRANT.

WASHINGTON, *December 6, 1870.*

To the Senate of the United States:

Referring to my message of the 1st of February last, transmitting to the Senate, for its consideration with a view to ratification, a treaty between the United States and the United States of Colombia for the construction of an interoceanic canal across the Isthmus of Panama or Darien, signed at Bogota on the 26th of January last, I herewith submit correspondence upon the subject between the Secretary of State and the minister of the United States at Bogota, a list of which is hereto appended.

U. S. GRANT.

WASHINGTON, *December 8, 1870.*

To the House of Representatives of the United States:

In answer to its resolution of the 1st of July, 1870, I transmit to the House of Representatives a report* from the Secretary of State.

U. S. GRANT.

WASHINGTON, *December 8, 1870.*

To the Senate of the United States:

In answer to a resolution of the 5th instant, I transmit to the Senate a report † from the Secretary of State.

U. S. GRANT.

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*Stating that the correspondence relative to the arrest and detention of American fishing vessels in the Straits of Canso by armed vessels flying the British flag had been communicated to Congress with the President's annual message on the 5th instant.

†Stating that the correspondence with the United States minister at Paris relative to the Franco-Prussian war had been communicated with the President's annual message on the 5th instant.

WASHINGTON, *December 12, 1870.*

To the Senate of the United States:

I submit to the Senate, for their consideration with a view to ratification, a convention relating to naturalization between the United States and the Austro-Hungarian Empire, signed at Vienna on the 20th of September, 1870, which is accompanied by the papers mentioned in the subjoined list.

U. S. GRANT.

WASHINGTON, *December 13, 1870.*

To the Senate of the United States:

I transmit, in answer to the resolution of the Senate of June 14, 1870, a report from the Secretary of State and the papers* by which it was accompanied.

U. S. GRANT.

WASHINGTON, *December 15, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 9th of April, 1869, I herewith transmit a report† from the Secretary of State.

U. S. GRANT.

WASHINGTON, *December 15, 1870.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 20th of January last, I herewith transmit a report‡ from the Secretary of State, with accompanying documents.

U. S. GRANT.

EXECUTIVE MANSION, *December 19, 1870.*

To the Senate and House of Representatives of the United States:

I transmit herewith a report§ of the Secretary of the Treasury, made in compliance with section 2 of the act approved July 11, 1870, "making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes."

U. S. GRANT.

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* Relating to charges for messages made by the International Ocean Telegraph Company.

† Stating that all the correspondence relative to the condition of affairs in Paraguay believed to be required by the public interest had been made public.

‡ Stating that the claim for indemnity in the case of the ship *Canada*, wrecked on the coast of Brazil in 1865, had been referred to the British minister as arbiter, and submitting a summary of the case, correspondence connected with it, and a copy of the award of the arbiter.

§ Transmitting reports of consular agents.

WASHINGTON, *December 19, 1870.*

To the House of Representatives:

I transmit to the House of Representatives a report of the Secretary of State and the papers* by which it was accompanied, in answer to its resolution of the 7th instant.

U. S. GRANT.

EXECUTIVE MANSION, *January 4, 1871.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 12th of December, 1870, a report from the Secretary of State, with accompanying documents.†

U. S. GRANT.

WASHINGTON, *January 9, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 5th instant, a report from the Secretary of State, with accompanying documents.‡

U. S. GRANT.

WASHINGTON, *January 9, 1871.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 5th instant, a report from the Secretary of State, with the accompanying documents.§

U. S. GRANT.

WASHINGTON, D. C.,
January 9, 1871.

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a treaty of amity, commerce, and consular privileges between the United States and the Republic of Salvador, signed at the city of San Salvador on the 6th of December last.

A copy of the official correspondence relating to the instrument is also herewith transmitted.

U. S. GRANT.

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*Relating to the seizure at Port Hood, Nova Scotia, by a Canadian revenue cutter, of the schooner *Granada*, of Provincetown, Mass.

†Correspondence relative to public documents or libraries in the care of legations of the United States.

‡ The last correspondence with Mr. Motley, including telegraphic dispatches, etc., relative to his recall as minister to the Court of St. James.

§ Correspondence, etc., in 1844 and 1845 relative to the resources and condition of the Dominican Republic.

EXECUTIVE MANSION, *January 11, 1871.*

To the Senate of the United States:

In view of a proclamation having been published in newspapers of the United States purporting to emanate from Cabral, a chieftain who opposed the constitutional authorities of the Republic of San Domingo, I deem it but just to communicate to the Senate of the United States the views of that chieftain and his followers, as voluntarily communicated by him through the United States minister to the Republic of Hayti in June last. It will be observed by the letter of Minister Bassett that Cabral did not wish his views to be made public before the question of annexation was disposed of, in a way to work prejudice to his interest. But as the object which Cabral had already in view was to declare to the treaty-making power of the United States his views and those of his followers upon the subject of annexation of the Republic of San Domingo, and as the Senate is a branch of that power, I deem it no breach of confidence to communicate this letter to the Senate. I ask, however, that it may be read in executive session and that the request of Cabral be observed, so that in no case they shall be made public or used against him until the question of annexation is disposed of.

U. S. GRANT.

EXECUTIVE MANSION, *January 11, 1871.*

To the House of Representatives:

I transmit herewith, in reply to the resolution of the House of Representatives of the 5th instant, copies of the reports of Captain George B. McClellan upon the Dominican Republic, made in the year 1854.

U. S. GRANT.

EXECUTIVE MANSION, *January 13, 1871.*

To the Senate of the United States:

In reply to the resolution of the Senate of the 16th of December, 1870, requesting to be furnished with information relative to the organization of disloyal persons in North Carolina having in view resistance of the United States laws, denial of protection, and the enjoyment of the rights and liberties secured under the United States, etc., I transmit herewith abstracts of reports and other papers on file in the War Department relative to outrages in North Carolina, and also, for the information of the Senate, those relative to outrages in the other Southern States. The original reports and papers are too voluminous to be copied in season to be used by the present Congress, but are easily accessible for reference, and copies of such papers can be furnished as the Senate may deem necessary.

U. S. GRANT.

WASHINGTON, *January 16, 1871*.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of 4th instant, a report from the Secretary of State, with accompanying documents, relating to the proposed annexation of the Dominican portion of the island of San Domingo.

U. S. GRANT.

EXECUTIVE MANSION, *January 17, 1871*.

To the Senate of the United States:

In answer to their resolution of the 16th of December, 1870, I herewith transmit copies of certain reports received at the War Department relative to disloyal organizations in the State of North Carolina, intended to resist the laws or to deprive the citizens of the United States of the protection of law or the enjoyment of their rights under the Constitution of the United States. These reports are in addition to the abstracts of those sent to the Senate on the 13th instant.

U. S. GRANT.

EXECUTIVE MANSION, *January 24, 1871*.

To the Senate of the United States:

In answer to your resolution of the 21st December, 1870, requesting the President "to furnish the Senate with the amount of money expended by the United States for freight and passage to the Pacific Coast by the way of the Isthmus and Cape Horn during the twelve months now last past," I herewith transmit reports from the Secretary of the Treasury, of War, and of the Navy, to whom, respectively, the resolution was referred.

U. S. GRANT.

WASHINGTON, *January 27, 1871*.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a report of the Secretary of State and the papers which accompanied it, concerning regulations for the consular courts of the United States in Japan.

U. S. GRANT.

WASHINGTON, *January 27, 1871*.

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a treaty of friendship, commerce, and navigation between the United States and the Oriental Republic of Uruguay, which was signed at Montevideo, it is presumed, in the course of last month, though the precise date has inadvertently been omitted.

A copy of the correspondence relating to the instrument is also herewith transmitted. From this it will be seen that the treaty is substantially the same as one between the same parties which has already been approved by the Senate and ratified by the President of the United States, but the ratifications of which have never been exchanged. If the Senate should approve the new treaty, it is suggested that their resolution to that effect should include authority to insert the precise date when that shall have been ascertained.

U. S. GRANT.

EXECUTIVE MANSION, *January 30, 1871.*

To the Senate and House of Representatives:

I transmit herewith an official copy of the proceedings of the council of Indian tribes held at Ocmulgee in December last, which resulted in the adoption of a declaration of rights and a constitution for their government, together with a copy of the report of the Commissioner of Indian Affairs and the views of the Secretary of the Interior thereon.

It would seem highly desirable that the civilized Indians of the country should be encouraged in establishing for themselves forms of Territorial government compatible with the Constitution of the United States and with the previous customs toward communities lying outside of State limits.

I concur in the views expressed by the Secretary of the Interior, that it would not be advisable to receive the new Territory with the constitution precisely as it is now framed. As long as a Territorial form of government is preserved, Congress should hold the power of approving or disapproving of all legislative action of the Territory, and the Executive should, with "the advice and consent of the Senate," have the power to appoint the governor and judicial officers (and possibly some others) of the Territory.

This is the first indication of the aborigines desiring to adopt our form of government, and it is highly desirable that they become self-sustaining, self-relying, Christianized, and civilized. If successful in this their first attempt at Territorial government, we may hope for a gradual concentration of other Indians in the new Territory. I therefore recommend as close an adherence to their wishes as is consistent with safety.

It might be well to limit the appointment of all Territorial officials appointed by the Executive to native citizens of the Territory. If any exception is made to this rule, I would recommend that it should be limited to the judiciary.

It is confidently hoped that the policy now being pursued toward the Indian will fit him for self-government and make him desire to settle among people of his own race where he can enjoy the full privileges of civil and enlightened government.

U. S. GRANT.

EXECUTIVE MANSION, *February 7, 1871.*

To the Senate and House of Representatives:

The union of the States of Germany into a form of government similar in many respects to that of the American Union is an event that can not fail to touch deeply the sympathies of the people of the United States.

This union has been brought about by the long-continued, persistent efforts of the people, with the deliberate approval of the governments and people of twenty-four of the German States, through their regularly constituted representatives.

In it the American people see an attempt to reproduce in Europe some of the best features of our own Constitution, with such modifications as the history and condition of Germany seem to require. The local governments of the several members of the union are preserved, while the power conferred upon the chief imparts strength for the purposes of self-defense, without authority to enter upon wars of conquest and ambition.

The cherished aspiration for national unity which for ages has inspired the many millions of people speaking the same language, inhabiting a contiguous and compact territory, but unnaturally separated and divided by dynastic jealousies and the ambition of short-sighted rulers, has been attained, and Germany now contains a population of about 34,000,000, united, like our own, under one Government for its relations with other powers, but retaining in its several members the right and power of control of their local interests, habits, and institutions.

The bringing of great masses of thoughtful and free people under a single government must tend to make governments what alone they should be—the representatives of the will and the organization of the power of the people.

The adoption in Europe of the American system of union under the control and direction of a free people, educated to self-restraint, can not fail to extend popular institutions and to enlarge the peaceful influence of American ideas.

The relations of the United States with Germany are intimate and cordial. The commercial intercourse between the two countries is extensive and is increasing from year to year; and the large number of citizens and residents in the United States of German extraction and the continued flow of emigration thence to this country have produced an intimacy of personal and political intercourse approaching, if not equal to, that with the country from which the founders of our Government derived their origin.

The extent of these interests and the greatness of the German Union seem to require that in the classification of the representatives of this Government to foreign powers there should no longer be an apparent undervaluation of the importance of the German mission, such as is made in the difference between the compensation allowed by law to the minister to

Germany and those to Great Britain and France. There would seem to be a great propriety in placing the representative of this Government at Berlin on the same footing with that of its representatives at London and Paris. The union of the several States of Germany under one Government and the increasing commercial and personal intercourse between the two countries will also add to the labors and the responsibilities of the legation.

I therefore recommend that the salaries of the minister and of the secretary of legation at Berlin be respectively increased to the same amounts as are allowed to those at London and Paris.

U. S. GRANT.

EXECUTIVE MANSION, *February 7, 1871.*

To the Senate of the United States:

In answer to that part of your resolution of the 4th of January last requesting copies of "instructions to the commander of our naval squadron in the waters of the island [of San Domingo] since the commencement of the late negotiations, with the reports and correspondence of such commander," I herewith transmit a report, with accompanying papers, received from the Secretary of the Navy.

U. S. GRANT.

EXECUTIVE MANSION, *February 8, 1871.*

To the Senate and House of Representatives:

I transmit herewith an extract of a paper addressed to the President, the Secretary of the Interior, and the Commissioner of Indian Affairs by the committee of Friends on Indian affairs having charge of the northern superintendency, in relation to a desire of certain Indian tribes to sell a portion of the lands owned by them, with a view of locating on other lands that they may be able to purchase, together with the report of the Commissioner of Indian Affairs thereon and a letter of the Secretary of the Interior Department approving the report of the Commissioner.

I submit the draft of a bill which has been prepared, and which it is believed will effect the object desired by the committee, and request the consideration thereof by Congress.

U. S. GRANT.

WASHINGTON, *February 9, 1871.*

To the Senate:

The British minister accredited to this Government recently, in compliance with instructions from his Government, submitted a proposal for the appointment of a "joint high commission," to be composed of members to be named by each Government, to hold its session at Washington, and to treat and discuss the mode of settling the different questions which have arisen out of the fisheries, as well as those which affect the relations of the United States toward the British possessions in North America.

I did not deem it expedient to agree to the proposal unless the consideration of the questions growing out of the acts committed by the vessels which have given rise to the claims known as the "Alabama claims" were to be within the subject of discussion and settlement by the commission. The British Government having assented to this, the commission is expected shortly to meet. I therefore nominate as such commissioners, jointly and separately, on the part of the United States:

Hamilton Fish, Secretary of State.

Robert C. Schenck, envoy extraordinary and minister plenipotentiary to Great Britain.

Samuel Nelson, an associate justice of the Supreme Court of the United States.

Ebenezer R. Hoar, of Massachusetts.

George H. Williams, of Oregon.

I communicate herewith the correspondence which has passed on this subject between the Secretary of State and the British minister.

U. S. GRANT.

EXECUTIVE MANSION, *February 10, 1871.*

To the Senate and House of Representatives:

I submit herewith, for the information of Congress, the second annual report of the Board of Indian Commissioners to the Secretary of the Interior.

U. S. GRANT.

EXECUTIVE MANSION, *February 13, 1871.*

To the House of Representatives:

I transmit herewith, in answer to the resolution of the House of the 6th instant, copies of the correspondence between the governor of the State of California and the President of the United States in the month of October, 1868, relative to the use of the military forces of the National Government in preserving the peace at the approaching State election.

U. S. GRANT.

EXECUTIVE MANSION, *February 15, 1871.*

To the Senate and House of Representatives:

I have this day transmitted to the Senate the announcement that Senate bill No. 218, "An act prescribing an oath of office to be taken by persons who participated in the late rebellion, but who are not disqualified from holding office by the fourteenth amendment to the Constitution of the United States," has become a law in the manner prescribed by the Constitution, without the signature of the President.

If this were a bill for the repeal of the "test oath" required of persons "selected or appointed to offices of honor or trust," it would meet my approval. The effect of the law, however, is to relieve from taking a prescribed oath all those persons whom it was intended to exclude from such offices and to require it from all others. By this law the soldier who fought and bled for his country is to swear to his loyalty before assuming official functions, while the general who commanded hosts for the overthrow of his Government is admitted to place without it. I can not affix my name to a law which discriminates against the upholder of his Government.

I believe, however, that it is not wise policy to keep from office by an oath those who are not disqualified by the Constitution, and who are the choice of legal voters; but while relieving them from an oath which they can not take, I recommend the release also of those to whom the oath has no application.

U. S. GRANT.

EXECUTIVE MANSION, *February 17, 1871.*

To the Senate of the United States:

In answer to your resolution of the 19th of December last, requesting the President "to furnish the Senate with the entire cost of transportation of mails and freights of every description to the Pacific Coast, also to all intermediate points west of the Missouri River, from the annexation of California to July 1, 1864; and also the expenses of the War Department and Indian Bureau during the same period in guarding the overland route from the Missouri River to California against Indians and Mormons, and the cost of the Indian service on the same line, including in all cases freights and all other expenditures," I transmit herewith reports received from the Secretary of the Interior, the Secretary of War, and the Postmaster-General.

U. S. GRANT.

WASHINGTON, *February 27, 1871.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States and Great Britain, concluded at Washington on the 23d instant, supplemental to the convention between the two countries concluded May 13, 1870, concerning the citizenship of citizens or subjects of either country emigrating to the other.

The conclusion of the supplemental convention now submitted was found to be expedient in view of the stipulation contained in Article II of the before-named convention of May 13, 1870, that the two Governments should agree upon the manner in which the renunciation within the periods specified, by naturalized citizens and subjects of either country, of their naturalization should be effected.

U. S. GRANT.

WASHINGTON, *March 3, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 2d instant a report of the Secretary of State, with accompanying documents.*

U. S. GRANT.

WASHINGTON, *March 3, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of February 1, 1871, a report from the Secretary of State, with accompanying documents.†

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, *January 4, 1871.*

To the House of Representatives:

I herewith return without my approval House bill No. 1395, entitled "An act for the relief of Charles Cooper, Goshorn A. Jones, Jerome Rowley, William Hannegan, and John Hannegan," for the following reasons:

The act directs the discontinuance of an action at law said to be now pending in the United States district court for the northern district of Ohio for the enforcement of the bond executed by said parties to the United States, whereas in fact no such suit is pending in the district court, but such a suit is now pending in the circuit court of the United States for the sixth circuit and northern district of Ohio.

Neither the body of said act nor the proviso requires the obligors in said bond, who are released from all liability to the United States on account thereof, to abandon or release their pretended claim against the Government.

Since these parties have gone to Congress to ask relief from liability for a large sum of money on account of the failure of the principals in the bond to execute their contract, it is but just and proper that they at the same time should abandon the claim heretofore asserted by them against the Government growing out of the same transaction.

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*Correspondence from the United States legation at Constantinople relative to restrictions on the passage of the straits of the Dardanelles and the Bosphorus by the ships of other nations.

†Dispatches, etc., from the United States minister to the Court of Brazil relative to the Paraguayan war, the culture of cotton in Brazil, trade with Brazil, etc.

U. S. GRANT.

EXECUTIVE MANSION, *February 7, 1871.*

To the Senate of the United States:

I hereby return without my approval Senate resolution No. 92, entitled "A resolution for the relief of certain contractors for the construction of vessels of war and steam machinery," for the following reasons:

The act of March 2, 1867 (14 U. S. Statutes at Large, p. 424), directs the Secretary of the Navy--

> to investigate the claims of all contractors for building vessels of war and steam machinery for the same under contracts made after the 1st day of May, 1861, and prior to the first day of January, 1864; and said investigation to be made upon the following basis: He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor. * * *

The present joint resolution transfers the investigation to the Court of Claims, and repeals "so much of said act as provides against considering any allowance in favor of any such parties for any advance in the price of labor or material, unless such advance could have been avoided by the exercise of ordinary diligence and prudence on the part of the contractor." It seems to me that the provision thus repealed is a very reasonable one. It prevents the contractor from receiving any allowance for an advance in the price of labor and material when he could have avoided that advance by the exercise of ordinary prudence and diligence. The effect of the repeal will be to relieve contractors from the consequences of their own imprudence and negligence. I see no good reason for thus relieving contractors who have not exercised ordinary prudence and diligence in their business transactions.

U. S. GRANT.

EXECUTIVE MANSION, *February 28, 1871.*

To the House of Representatives:

I herewith return without my approval House bill No. 2566, entitled "An act for the relief of Henry Willman, late a private in the Third Regiment of Indiana Cavalry," for the following reasons:

The records of the War Department show that Henry Willman was mustered into the military service April 4, 1862, and that he was mounted on a private horse. It appears from evidence presented by himself that his horse died May 18, 1862; that he remounted himself on June 8, 1862, and so continued mounted till October 1, 1862, when his horse was killed by the enemy, and that he was not afterwards mounted upon a private horse.

Upon presenting a claim against the United States for the legal value of the two horses lost by him in the public service, the claim, after investigation, was allowed; but it being discovered that he had erroneously been paid for the use and risk of a private horse from May 18 to June 8, 1862, and from October 1, 1862, to April 30, 1864, during which periods he had no horse in the public service, the amount so overpaid was offset against his claim, leaving the latter fully liquidated and the claimant indebted to the United States in an amount not yet refunded.

The person named in the act is not, in law or equity, entitled to the relief therein provided, and has no unsatisfied demands against the United States.

U. S. GRANT.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence was given to me on the 17th day of this month by the Government of Portugal that the discriminating duties heretofore levied in the ports of Portugal on merchandise imported in vessels of the United States into said ports from other countries than those of which said merchandise was the growth, production, or manufacture have been abolished:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of January 7, 1824, and by an act in addition thereto of May 24, 1828, do hereby declare and proclaim that the discriminating duties heretofore levied in ports of the United States upon merchandise imported in Portuguese vessels from countries other than those of which such merchandise is the growth, produce, or manufacture shall be, and are hereby, suspended and discontinued, this suspension or discontinuance to take effect on and after the said 17th day of this month and to continue so long as the reciprocal exemption of merchandise belonging to citizens of the United States from such discriminating duties shall be granted in the ports of Portugal.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 25th day of February, A. D. 1871, and of the Independence of the United States of America the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

[NOTE.—The Forty-second Congress, first session, met March 4, 1871, in accordance with the act of January 22, 1867.]

SPECIAL MESSAGES.

WASHINGTON, *March 17, 1871.*

To the Senate of the United States:

I transmit to the Senate, in compliance with its resolution of the 14th instant, a report from the Secretary of State, making known that official notice has been received at the Department of State of the ratification by the legislature of one, and only one, additional State—to wit, that of New Jersey—of the fifteenth amendment to the Constitution of the United States since the 30th of March, 1870, the date of his certificate that three-fourths of the whole number of States in the United States had ratified that amendment and that it had become valid to all intents and purposes as part of the Constitution of the United States.

U. S. GRANT.

WASHINGTON, D. C., *March 23, 1871.*

To the Senate and House of Representatives:

A condition of affairs now exists in some of the States of the Union rendering life and property insecure and the carrying of the mails and the collection of the revenue dangerous. The proof that such a condition of affairs exists in some localities is now before the Senate. That the power to correct these evils is beyond the control of the State authorities I do not doubt; that the power of the Executive of the United States, acting within the limits of existing laws, is sufficient for present emergencies is not clear.

Therefore I urgently recommend such legislation as in the judgment of Congress shall effectually secure life, liberty, and property and the enforcement of law in all parts of the United States.

It may be expedient to provide that such law as shall be passed in pursuance of this recommendation shall expire at the end of the next session of Congress.

There is no other subject upon which I would recommend legislation during the present session.

U. S. GRANT.

WASHINGTON, *March 28, 1871.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 16th instant, I transmit a report from the Secretary of State and the papers* which accompanied it.

U. S. GRANT.

WASHINGTON, *March 30, 1871.*

To the Senate of the United States:

I transmit, for consideration with a view to its ratification, a treaty of commerce and navigation between the United States and the Kingdom of Italy, signed at Florence on the 26th of last month.

U. S. GRANT.

EXECUTIVE MANSION, *March 31, 1871.*

To the Senate of the United States:

In answer to your resolution of the 17th instant, requesting, "if not incompatible with the public service, the report recently made by a board of officers of the Engineer Department on the condition of the Mississippi River near Vicksburg, Miss., with such remarks, suggestions, or recommendations as may be made by the Chief Engineer of the Army," I herewith transmit a report, dated 28th instant, with accompanying papers, received from the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, *April 5, 1871.*

To the Senate and House of Representatives:

I have the honor to submit herewith to the two Houses of Congress the report of the commissioners appointed in pursuance of joint resolution approved January 12, 1871.

It will be observed that this report more than sustains all that I have heretofore said in regard to the productiveness and healthfulness of the Republic of San Domingo, of the unanimity of the people for annexation to the United States, and of their peaceable character.

It is due to the public, as it certainly is to myself, that I should here give all the circumstances which first led to the negotiation of a treaty for the annexation of the Republic of San Domingo to the United States.

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*Reports, communications, etc., relative to the International Statistical Congress held at The Hague in 1869.

When I accepted the arduous and responsible position which I now hold, I did not dream of instituting any steps for the acquisition of insular possessions. I believed, however, that our institutions were broad enough to extend over the entire continent as rapidly as other peoples might desire to bring themselves under our protection. I believed further that we should not permit any independent government within the limits of North America to pass from a condition of independence to one of ownership or protection under a European power.

Soon after my inauguration as President I was waited upon by an agent of President Baez with a proposition to annex the Republic of San Domingo to the United States. This gentleman represented the capacity of the island, the desire of the people, and their character and habits about as they have been described by the commissioners whose report accompanies this message. He stated further that, being weak in numbers and poor in purse, they were not capable of developing their great resources; that the people had no incentive to industry on account of lack of protection for their accumulations, and that if not accepted by the United States—with institutions which they loved above those of any other nation—they would be compelled to seek protection elsewhere. To these statements I made no reply and gave no indication of what I thought of the proposition. In the course of time I was waited upon by a second gentleman from San Domingo, who made the same representations, and who was received in like manner.

In view of the facts which had been laid before me, and with an earnest desire to maintain the "Monroe doctrine," I believed that I would be derelict in my duty if I did not take measures to ascertain the exact wish of the Government and inhabitants of the Republic of San Domingo in regard to annexation and communicate the information to the people of the United States. Under the attending circumstances I felt that if I turned a deaf ear to this appeal I might in the future be justly charged with a flagrant neglect of the public interests and an utter disregard of the welfare of a downtrodden race praying for the blessings of a free and strong government and for protection in the enjoyment of the fruits of their own industry.

Those opponents of annexation who have heretofore professed to be preeminently the friends of the rights of man I believed would be my most violent assailants if I neglected so clear a duty. Accordingly, after having appointed a commissioner to visit the island, who declined on account of sickness, I selected a second gentleman, in whose capacity, judgment, and integrity I had, and have yet, the most unbounded confidence.

He visited San Domingo, not to secure or hasten annexation, but, unprejudiced and unbiased, to learn all the facts about the Government, the people, and the resources of that Republic. He went certainly as well prepared to make an unfavorable report as a favorable one, if the facts warranted it. His report fully corroborated the views of previous commissioners, and upon its receipt I felt that a sense of duty and a due regard for our great national interests required me to negotiate a treaty for the acquisition of the Republic of San Domingo.

As soon as it became publicly known that such a treaty had been negotiated, the attention of the country was occupied with allegations calculated to prejudice the merits of the case and with aspersions upon those whose duty had connected them with it. Amid the public excitement thus created the treaty failed to receive the requisite two-thirds vote of the Senate, and was rejected; but whether the action of that body was based wholly upon the merits of the treaty, or might not have been in some degree influenced by such unfounded allegations, could not be known by the people, because the debates of the Senate in secret session are not published.

Under these circumstances I deemed it due to the office which I hold and due to the character of the agents who had been charged with the investigation that such proceedings should be had as would enable the people to know the truth. A commission was therefore constituted, under authority of Congress, consisting of gentlemen selected with special reference to their high character and capacity for the laborious work intrusted to them, who were instructed to visit the spot and report upon the facts. Other eminent citizens were requested to accompany the commission, in order that the people might have the benefit of their views. Students of science and correspondents of the press, without regard to political opinions, were invited to join the expedition, and their numbers were limited only by the capacity of the vessel.

The mere rejection by the Senate of a treaty negotiated by the President only indicates a difference of opinion between two coordinate departments of the Government, without touching the character or wounding the pride of either. But when such rejection takes place simultaneously with charges openly made of corruption on the part of the President or those employed by him the case is different. Indeed, in such case the honor of the nation demands investigation. This has been accomplished by the report of the commissioners herewith transmitted, and which fully vindicates the purity of the motives and action of those who represented the United States in the negotiation.

And now my task is finished, and with it ends all personal solicitude upon the subject. My duty being done, yours begins; and I gladly hand over the whole matter to the judgment of the American people and of their representatives in Congress assembled. The facts will now be spread before the country, and a decision rendered by that tribunal whose convictions so seldom err, and against whose will I have no policy to enforce. My opinion remains unchanged; indeed, it is confirmed by the report that the interests of our country and of San Domingo alike invite the annexation of that Republic.

In view of the difference of opinion upon this subject, I suggest that no action be taken at the present session beyond the printing and general dissemination of the report. Before the next session of Congress the people will have considered the subject and formed an intelligent opinion concerning it, to which opinion, deliberately made up, it will be the duty of every department of the Government to give heed; and no one will more cheerfully conform to it than myself. It is not only the theory of our Constitution that the will of the people, constitutionally expressed, is the supreme law, but I have ever believed that "all men are wiser than any one man;" and if the people, upon a full presentation of the facts, shall decide that the annexation of the Republic is not desirable, every department of the Government ought to acquiesce in that decision.

In again submitting to Congress a subject upon which public sentiment has been divided, and which has been made the occasion of acrimonious debates in Congress, as well as of unjust aspersions elsewhere, I may, I trust, be indulged in a single remark.

No man could hope to perform duties so delicate and responsible as pertain to the Presidential office without sometimes incurring the hostility of those who deem their opinions and wishes treated with insufficient consideration; and he who undertakes to conduct the affairs of a great government as a faithful public servant, if sustained by the approval of his own conscience, may rely with confidence upon the candor and intelligence of a free people whose best interests he has striven to subserve, and can bear with patience the censure of disappointed men.

U. S. GRANT.

WASHINGTON, *April 5, 1871.*

To the Senate of the United States:

I transmit confidentially, for the information and consideration of the Senate, a copy of a dispatch of the 25th of February last relative to the annexation of the Hawaiian Islands, addressed to the Department of State by Henry A. Pierce, minister resident of the United States at Honolulu. Although I do not deem it advisable to express any opinion or to make any recommendation in regard to the subject at this juncture, the views of the Senate, if it should be deemed proper to express them, would be very acceptable with reference to any future course which there might be a disposition to adopt.

U. S. GRANT.

WASHINGTON, *April 11, 1871.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of March 31, 1871, a report from the Secretary of State, with accompanying documents.*

U. S. GRANT.

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*Dispatches from the United States minister at Florence relative to the occupation of Rome by the King of Italy.

[The following messages were sent to the special session of the Senate convened by proclamation (see pp. 133-134) of April 20, 1871.]

WASHINGTON, *May 10, 1871.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to ratification, a treaty between the United States and Great Britain for the settlement of pending questions between the two countries, signed at Washington on the 8th instant by the commissioners of the United States and Great Britain, respectively.

Copies of the powers and instructions to the commissioners on the part of the United States and the protocols of the conferences are also transmitted.

U. S. GRANT.

WASHINGTON, *May 15, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 10th instant, a report* from the Secretary of State and the papers which accompanied it.

U. S. GRANT.

WASHINGTON, *May 17, 1871.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 15th instant, I transmit herewith a report † from the Secretary of State.

U. S. GRANT.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence; and

Whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive (when the legislature can not be convened), to call forth the militia of any other State or States, or to employ such part of the land and naval force as shall be judged necessary for the purpose of suppressing such insurrection or of causing the laws to be duly executed; and

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*Relating to claims of the subjects of foreign nations growing out of the War of the Rebellion.

†Relating to claims under the treaty of Washington of May 8, 1871.

Whereas I have received information that combinations of armed men, unauthorized by law, are now disturbing the peace and safety of the citizens of the State of South Carolina and committing acts of violence in said State of a character and to an extent which render the power of the State and its officers unequal to the task of protecting life and property and securing public order therein; and

Whereas the legislature of said State is not now in session and can not be convened in time to meet the present emergency, and the executive of said State has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against the domestic violence hereinbefore mentioned and to enforce the due execution of the laws; and

Whereas the laws of the United States require that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby command the persons composing the unlawful combinations aforesaid to disperse and retire peaceably to their respective abodes within twenty days from this date.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 24th day of March, A. D. 1871, and of the Independence of the United States the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on Wednesday, the 10th day of May next, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Ulysses S. Grant, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on Wednesday, the 10th day of May next, at 12 o'clock on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 20th day of April, A. D. 1871, and of the Independence of the United States of America the ninety-fifth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The act of Congress entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved April 20, A. D. 1871, being a law of extraordinary public importance, I consider it my duty to issue this my proclamation, calling the attention of the people of the United States thereto, enjoining upon all good citizens, and especially upon all public officers, to be zealous in the enforcement thereof, and warning all persons to abstain from committing any of the acts thereby prohibited.

This law of Congress applies to all parts of the United States and will be enforced everywhere to the extent of the powers vested in the Executive. But inasmuch as the necessity therefor is well known to have been caused chiefly by persistent violations of the rights of citizens of the United States by combinations of lawless and disaffected persons in certain localities lately the theater of insurrection and military conflict, I do particularly exhort the people of those parts of the country to suppress all such combinations by their own voluntary efforts through the agency of local laws and to maintain the rights of all citizens of the United States and to secure to all such citizens the equal protection of the laws.

Fully sensible of the responsibility imposed upon the Executive by the act of Congress to which public attention is now called, and reluctant to call into exercise any of the extraordinary powers thereby conferred upon me except in cases of imperative necessity, I do, nevertheless, deem it my duty to make known that I will not hesitate to exhaust the powers thus vested in the Executive whenever and wherever it shall become necessary to do so for the purpose of securing to all citizens of the United States the peaceful enjoyment of the rights guaranteed to them by the Constitution and laws.

It is my earnest wish that peace and cheerful obedience to law may prevail throughout the land and that all traces of our late unhappy civil strife may be speedily removed. These ends can be easily reached by acquiescence in the results of the conflict, now written in our Constitution, and by the due and proper enforcement of equal, just, and impartial laws in every part of our country.

The failure of local communities to furnish such means for the attainment of results so earnestly desired imposes upon the National Government the duty of putting forth all its energies for the protection of its citizens of every race and color and for the restoration of peace and order throughout the entire country.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 3d day of May, A. D. 1871, and of the Independence of the United States the ninety-fifth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas unlawful combinations and conspiracies have long existed and do still exist in the State of South Carolina for the purpose of depriving certain portions and classes of the people of that State of the rights, privileges, immunities, and protection named in the Constitution of the United States and secured by the act of Congress approved April 20, 1871, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States;" and

Whereas in certain parts of said State, to wit, in the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, such combinations and conspiracies do so obstruct and hinder the execution of the laws of said State and of the United States as to deprive the people aforesaid of the rights, privileges, immunities, and protection aforesaid and do oppose and obstruct the laws of the United States and their due execution and impede and obstruct the due course of justice under the same; and

Whereas the constituted authorities of said State are unable to protect the people aforesaid in such rights within the said counties; and

Whereas the combinations and conspiracies aforesaid, within the counties aforesaid, are organized and armed and are so numerous and powerful as to be able to defy the constituted authorities of said State and of the United States within the said State, and by reason of said causes the conviction of such offenders and the preservation of the public peace and safety have become impracticable in said counties:

Now, therefore, I, Ulysses S. Grant, President of the United States of

America, do hereby command all persons composing the unlawful combinations and conspiracies aforesaid to disperse and to retire peaceably to their homes within five days of the date hereof, and to deliver either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within said counties, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the combinations and conspiracies are organized.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 12th day of October, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved the 20th day of April, A. D. 1871, power is given to the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of *habeas corpus* in any State or part of a State whenever combinations and conspiracies exist in such State or part of a State for the purpose of depriving any portion or class of the people of such State of the rights, privileges, immunities, and protection named in the Constitution of the United States and secured by the act of Congress aforesaid; and whenever such combinations and conspiracies do so obstruct and hinder the execution of the laws of any such State and of the United States as to deprive the people aforesaid of the rights, privileges, immunities, and protection aforesaid, and do oppose and obstruct the laws of the United States and their due execution, and impede and obstruct the due course of justice under the same; and whenever such combinations shall be organized and armed, and so numerous and powerful as to be able by violence either to overthrow or to set at defiance the constituted authorities of said State and of the United States within such State; and whenever by reason of said causes the conviction of such offenders and the preservation of the public peace shall become in such State or part of a State impracticable; and

Whereas such unlawful combinations and conspiracies for the purposes aforesaid are declared by the act of Congress aforesaid to be rebellion against the Government of the United States; and

Whereas by said act of Congress it is provided that before the President shall suspend the privileges of the writ of *habeas corpus* he shall first have made proclamation commanding such insurgents to disperse; and

Whereas on the 12th day of the present month of October the President of the United States did issue his proclamation, reciting therein, among other things, that such combinations and conspiracies did then exist in the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, in the State of South Carolina, and commanding thereby all persons composing such unlawful combinations and conspiracies to disperse and retire peaceably to their homes within five days from the date thereof, and to deliver either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within said counties, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the said combinations and conspiracies are organized; and

Whereas the insurgents engaged in such unlawful combinations and conspiracies within the counties aforesaid have not dispersed and retired peaceably to their respective homes, and have not delivered to the marshal of the United States, or to any of his deputies, or to any military officer of the United States within said counties, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the combinations and conspiracies are organized, as commanded by said proclamation, but do still persist in the unlawful combinations and conspiracies aforesaid:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by the Constitution of the United States and the act of Congress aforesaid, do hereby declare that in my judgment the public safety especially requires that the privileges of the writ of *habeas corpus* be suspended, to the end that such rebellion may be overthrown, and do hereby suspend the privileges of the writ of *habeas corpus* within the counties of Spartanburg, York, Marion, Chester, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, in said State of South Carolina, in respect to all persons arrested by the marshal of the United States for the said district of South Carolina, or by any of his deputies, or by any military officer of the United States, or by any soldier or citizen acting under the orders of said marshal, deputy, or such military officer within any one of said counties, charged with any violation of the act of Congress aforesaid, during the continuance of such rebellion.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 17th day of October, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The process of the seasons has again enabled the husbandman to garner the fruits of successful toil. Industry has been generally well rewarded. We are at peace with all nations, and tranquillity, with few exceptions, prevails at home. Within the past year we have in the main been free from ills which elsewhere have afflicted our kind. If some of us have had calamities, these should be an occasion for sympathy with the sufferers, of resignation on their part to the will of the Most High, and of rejoicing to the many who have been more favored.

I therefore recommend that on Thursday, the 30th day of November next, the people meet in their respective places of worship and there make the usual annual acknowledgments to Almighty God for the blessings He has conferred upon them, for their merciful exemption from evils, and invoke His protection and kindness for their less fortunate brethren, whom in His wisdom He has deemed it best to chastise.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 28th day of October, A. D. 1871, and of the Independence of the United States the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas in my proclamation of the 12th day of October, in the year 1871, it was recited that certain unlawful combinations and conspiracies existed in certain counties in the State of South Carolina for the purpose of depriving certain portions and classes of the people of that State of the rights, privileges, and immunities and protection named in the Constitution of the United States and secured by the act of Congress approved April 20, 1871, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States," and the persons composing such combinations and conspiracies were commanded to disperse and to retire peaceably to their homes within five days from said date; and

Whereas by my proclamation of the 17th day of October, in the year 1871, the privileges of the writ of *habeas corpus* were suspended in the counties named in said proclamation; and

Whereas the county of Marion was named in said proclamations as one of the counties in which said unlawful combinations and conspiracies for the purposes aforesaid existed, and in which the privileges of the writ of *habeas corpus* were suspended; and

Whereas it has been ascertained that in said county of Marion said combinations and conspiracies do not exist to the extent recited in said proclamations; and

Whereas it has been ascertained that unlawful combinations and conspiracies of the character and to the extent and for the purposes described in said proclamations do exist in the county of Union in said State:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do hereby revoke, as to the said county of Marion, the suspension of the privileges of the writ of *habeas corpus* directed in my said proclamation of the 17th day of October, 1871.

And I do hereby command all persons in the said county of Union composing the unlawful combinations and conspiracies aforesaid to disperse and to retire peaceably to their homes within five days of the date hereof, and to deliver either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within said county, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the combinations and conspiracies are organized.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 3d day of November, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by an act of Congress entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved the 20th day of April, A. D.

1871, power is given to the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the writ of *habeas corpus* in any State or part of a State whenever combinations and conspiracies exist in such State or part of a State for the purpose of depriving any portion or class of the people of such State of the rights, privileges, immunities, and protection named in the Constitution of the United States and secured by the act of Congress aforesaid; and whenever such combinations and conspiracies do so obstruct and hinder the execution of the laws of any such State and of the United States as to deprive the people aforesaid of the rights, privileges, immunities, and protection aforesaid, and do oppose and obstruct the laws of the United States and their due execution, and impede and obstruct the due course of justice under the same; and whenever such combinations shall be organized and armed and so numerous and powerful as to be able by violence either to overthrow or to set at defiance the constituted authorities of said State and of the United States within such State; and whenever by reason of said causes the conviction of such offenders and the preservation of the public peace shall become in such State or part of a State impracticable; and

Whereas such unlawful combinations and conspiracies for the purposes aforesaid are declared by the act of Congress aforesaid to be rebellion against the Government of the United States; and

Whereas by said act of Congress it is provided that before the President shall suspend the privileges of the writ of *habeas corpus* he shall first have made proclamation commanding such insurgents to disperse; and

Whereas on the 3d day of the present month of November the President of the United States did issue his proclamation, reciting therein, among other things, that such combinations and conspiracies did then exist in the county of Union, in the State of South Carolina, and commanding thereby all persons composing such unlawful combinations and conspiracies to disperse and retire peaceably to their homes within five days from the date thereof, and to deliver either to the marshal of the United States for the district of South Carolina, or to any of his deputies, or to any military officer of the United States within said county, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the said combinations and conspiracies are organized; and

Whereas the insurgents engaged in such unlawful combinations and conspiracies within the county aforesaid have not dispersed and retired peaceably to their respective homes, and have not delivered to the marshal of the United States, or to any of his deputies, or to any military officer of the United States within said county, all arms, ammunition, uniforms, disguises, and other means and implements used, kept, possessed, or controlled by them for carrying out the unlawful purposes for which the combinations and conspiracies are organized, as commanded by said proclamation, but do still persist in the unlawful combinations and conspiracies aforesaid:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by the Constitution of the United States and the act of Congress aforesaid, do hereby declare that in my judgment the public safety especially requires that the privileges of the writ of *habeas corpus* be suspended, to the end that such rebellion may be overthrown, and do hereby suspend the privileges of the writ of *habeas corpus* within the county of Union, in said State of South Carolina, in respect to all persons arrested by the marshal of the United States for the said district of South Carolina, or by any of his deputies, or by any military officer of the United States, or by any soldier or citizen acting under the orders of said marshal, deputy, or such military officer within said county, charged with any violation of the act of Congress aforesaid, during the continuance of such rebellion.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 10th day of November, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDER.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

WASHINGTON, *March 31, 1871.*

The act of June 15, 1852, section 1 (10 U. S. Statutes at Large, p. 10), provides:

> That whenever any officer of either of the Territories of the United States shall be absent therefrom and from the duties of his office no salary shall be paid him during the year in which such absence shall occur, unless good cause therefor shall be shown to the President of the United States, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.

It has been the practice under this law for the Territorial officers who have desired to be absent from their respective Territories to apply for leaves to the head of the proper Department at Washington, and when such leave has been given the required certificate of the President has been granted as a matter of course.

The unusual number of applications for leave of absence which have been lately made by Territorial officers has induced the President to announce that he expects the gentlemen who hold those offices to stay in their respective Territories and to attend strictly to their official duties. They have been appointed for service in the Territory and for the benefit and convenience of the Territorial population. He expects them by their personal presence to identify themselves with the people and acquire local information, without which their duties can not be well performed. Frequent or long absence makes them in some degree strangers, and therefore less acceptable to the people. Their absence, no matter with what substitution, must often put the people to inconvenience. Executive officers may be required for emergencies which could not be foreseen. Judges should be at hand, not only when the courts are in session, but for matters of bail, *habeas corpus*, orders in equity, examination of persons charged with crime, and other similar business, which often arises in vacation.

These and similar considerations no doubt induced Congress to pass the law above quoted.

It is therefore directed that in future the heads of Departments shall grant leaves of absence to Territorial officers only for reasons of the most urgent character, and then only for the shortest possible time.

By order of the President:

HAMILTON FISH,
Secretary of State.

THIRD ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 4, 1871.*

To the Senate and House of Representatives:

In addressing my third annual message to the law-making branch of the Government it is gratifying to be able to state that during the past year success has generally attended the effort to execute all laws found upon the statute books. The policy has been not to inquire into the wisdom of laws already enacted, but to learn their spirit and intent and to enforce them accordingly.

The past year has, under a wise Providence, been one of general prosperity to the nation. It has, however, been attended with more than usual chastisements in the loss of life and property by storm and fire. These disasters have served to call forth the best elements of human nature in our country and to develop a friendship for us on the part of foreign nations which goes far toward alleviating the distresses occasioned by these calamities. The benevolent, who have so generously shared their means with the victims of these misfortunes, will reap their reward in the consciousness of having performed a noble act and in receiving the grateful thanks of men, women, and children whose sufferings they have relieved.

The relations of the United States with foreign powers continue to be friendly. The year has been an eventful one in witnessing two great nations, speaking one language and having one lineage, settling by peaceful arbitration disputes of long standing and liable at any time to bring those nations into bloody and costly conflict. An example has thus been set which, if successful in its final issue, may be followed by other civilized nations, and finally be the means of returning to productive industry millions of men now maintained to settle the disputes of nations by the bayonet and the broadside.

I transmit herewith a copy of the treaty alluded to, which has been concluded since the adjournment of Congress with Her Britannic Majesty, and a copy of the protocols of the conferences of the commissioners by whom it was negotiated. This treaty provides methods for adjusting the questions pending between the two nations.

Various questions are to be adjusted by arbitration. I recommend Congress at an early day to make the necessary provision for the tribunal at Geneva and for the several commissioners on the part of the United States called for by the treaty.

His Majesty the King of Italy, the President of the Swiss Confederation, and His Majesty the Emperor of Brazil have each consented, on the joint request of the two powers, to name an arbiter for the tribunal at Geneva. I have caused my thanks to be suitably expressed for the readiness with which the joint request has been complied with, by the appointment of gentlemen of eminence and learning to these important positions.

His Majesty the Emperor of Germany has been pleased to comply with the joint request of the two Governments, and has consented to act as the arbitrator of the disputed water boundary between the United States and Great Britain.

The contracting parties in the treaty have undertaken to regard as between themselves certain principles of public law, for which the United States have contended from the commencement of their history. They have also agreed to bring those principles to the knowledge of the other maritime powers and to invite them to accede to them. Negotiations are going on as to the form of the note by which the invitation is to be extended to the other powers.

I recommend the legislation necessary on the part of the United States to bring into operation the articles of the treaty relating to the fisheries and to the other matters touching the relations of the United States toward the British North American possessions, to become operative so soon as the proper legislation shall be had on the part of Great Britain and its possessions. It is much to be desired that this legislation may become operative before the fishermen of the United States begin to make their arrangements for the coming season.

I have addressed a communication, of which a copy is transmitted herewith, to the governors of New York, Pennsylvania, Ohio, Indiana, Michigan, Illinois, and Wisconsin, urging upon the governments of those States, respectively, the necessary action on their part to carry into effect the object of the article of the treaty which contemplates the use of the canals, on either side, connected with the navigation of the lakes and rivers forming the boundary, on terms of equality, by the inhabitants of both countries. It is hoped that the importance of the object and the benefits to flow therefrom will secure the speedy approval and legislative sanction of the States concerned.

I renew the recommendation for an appropriation for determining the true position of the forty-ninth parallel of latitude where it forms the boundary between the United States and the British North American possessions, between the Lake of the Woods and the summit of the Rocky Mountains. The early action of Congress on this recommendation would put it in the power of the War Department to place a force in the field during the next summer.

The resumption of diplomatic relations between France and Germany has enabled me to give directions for the withdrawal of the protection extended to Germans in France by the diplomatic and consular representatives of the United States in that country. It is just to add that the delicate duty of this protection has been performed by the minister and the consul-general at Paris, and the various consuls in France under the supervision of the latter, with great kindness as well as with prudence and tact. Their course has received the commendation of the German Government, and has wounded no susceptibility of the French.

The Government of the Emperor of Germany continues to manifest a friendly feeling toward the United States, and a desire to harmonize with the moderate and just policy which this Government maintains in its relations with Asiatic powers, as well as with the South American Republics. I have given assurances that the friendly feelings of that Government are fully shared by the United States.

The ratifications of the consular and naturalization conventions with the Austro-Hungarian Empire have been exchanged.

I have been officially informed of the annexation of the States of the Church to the Kingdom of Italy, and the removal of the capital of that Kingdom to Rome. In conformity with the established policy of the United States, I have recognized this change. The ratifications of the new treaty of commerce between the United States and Italy have been exchanged. The two powers have agreed in this treaty that private property at sea shall be exempt from capture in case of war between the two powers. The United States have spared no opportunity of incorporating this rule into the obligation of nations.

The Forty-first Congress, at its third session, made an appropriation for the organization of a mixed commission for adjudicating upon the claims of citizens of the United States against Spain growing out of the insurrection in Cuba. That commission has since been organized. I transmit herewith the correspondence relating to its formation and its jurisdiction. It is to be hoped that this commission will afford the claimants a complete remedy for their injuries.

It has been made the agreeable duty of the United States to preside over a conference at Washington between the plenipotentiaries of Spain and the allied South American Republics, which has resulted in an armistice, with the reasonable assurance of a permanent peace.

The intimate friendly relations which have so long existed between the United States and Russia continue undisturbed. The visit of the third son of the Emperor is a proof that there is no desire on the part of his Government to diminish the cordiality of those relations. The hospitable reception which has been given to the Grand Duke is a proof that on our side we share the wishes of that Government. The inexcusable course of the Russian minister at Washington rendered it necessary to ask his recall and to decline to longer receive that functionary as a diplomatic representative. It was impossible, with self-respect or with a just regard to the dignity of the country, to permit Mr. Catacazy to continue to hold intercourse with this Government after his personal abuse of Government officials, and during his persistent interferences, through various means, with the relations between the United States and other powers. In accordance with my wishes, this Government has been relieved of further intercourse with Mr. Catacazy, and the management of the affairs of the imperial legation has passed into the hands of a gentleman entirely unobjectionable.

With Japan we continue to maintain intimate relations. The cabinet of the Mikado has since the close of the last session of Congress selected citizens of the United States to serve in offices of importance in several departments of Government. I have reason to think that this selection is due to an appreciation of the disinterestedness of the policy which the United States have pursued toward Japan. It is our desire to continue to maintain this disinterested and just policy with China as well as Japan. The correspondence transmitted herewith shows that there is no disposition on the part of this Government to swerve from its established course.

Prompted by a desire to put an end to the barbarous treatment of our shipwrecked sailors on the Korean coast, I instructed our minister at Peking to endeavor to conclude a convention with Korea for securing the safety and humane treatment of such mariners.

Admiral Rodgers was instructed to accompany him with a sufficient force to protect him in case of need.

A small surveying party sent out, on reaching the coast was treacherously attacked at a disadvantage. Ample opportunity was given for explanation and apology for the insult. Neither came. A force was then landed. After an arduous march over a rugged and difficult country, the forts from which the outrages had been committed were reduced by a gallant assault and were destroyed. Having thus punished the criminals, and having vindicated the honor of the flag, the expedition returned, finding it impracticable under the circumstances to conclude the desired convention. I respectfully refer to the correspondence relating thereto, herewith submitted, and leave the subject for such action as Congress may see fit to take.

The Republic of Mexico has not yet repealed the very objectionable laws establishing what is known as the "free zone" on the frontier of the United States. It is hoped that this may yet be done, and also that more stringent measures may be taken by that Republic for restraining lawless persons on its frontiers. I hope that Mexico by its own action will soon relieve this Government of the difficulties experienced from these causes.

Our relations with the various Republics of Central and South America continue, with one exception, to be cordial and friendly.

I recommend some action by Congress regarding the overdue installments under the award of the Venezuelan Claims Commission of 1866. The internal dissensions of this Government present no justification for the absence of effort to meet their solemn treaty obligations.

The ratification of an extradition treaty with Nicaragua has been exchanged.

It is a subject for congratulation that the great Empire of Brazil has taken the initiatory step toward the abolition of slavery. Our relations with that Empire, always cordial, will naturally be made more so by this act. It is not too much to hope that the Government of Brazil may hereafter find it for its interest, as well as intrinsically right, to advance toward entire emancipation more rapidly than the present act contemplates.

The true prosperity and greatness of a nation is to be found in the elevation and education of its laborers.

It is a subject for regret that the reforms in this direction which were voluntarily promised by the statesmen of Spain have not been carried out in its West India colonies. The laws and regulations for the apparent abolition of slavery in Cuba and Porto Rico leave most of the laborers in bondage, with no hope of release until their lives become a burden to their employers.

I desire to direct your attention to the fact that citizens of the United States, or persons claiming to be citizens of the United States, are large holders in foreign lands of this species of property, forbidden by the fundamental law of their alleged country. I recommend to Congress to provide by stringent legislation a suitable remedy against the holding, owning, or dealing in slaves, or being interested in slave property, in foreign lands, either as owners, hirers, or mortgagors, by citizens of the United States.

It is to be regretted that the disturbed condition of the island of Cuba continues to be a source of annoyance and of anxiety. The existence of a protracted struggle in such close proximity to our own territory, without apparent prospect of an early termination, can not be other than an object of concern to a people who, while abstaining from interference in the affairs of other powers, naturally desire to see every country in the undisturbed enjoyment of peace, liberty, and the blessings of free institutions.

Our naval commanders in Cuban waters have been instructed, in case it should become necessary, to spare no effort to protect the lives and property of *bona fide* American citizens and to maintain the dignity of the flag.

It is hoped that all pending questions with Spain growing out of the affairs in Cuba may be adjusted in the spirit of peace and conciliation which has hitherto guided the two powers in their treatment of such questions.

To give importance to and to add to the efficiency of our diplomatic relations with Japan and China, and to further aid in retaining the good opinion of those peoples, and to secure to the United States its share of the commerce destined to flow between those nations and the balance of the commercial world, I earnestly recommend that an appropriation be made to support at least four American youths in each of those countries, to serve as a part of the official family of our ministers there. Our representatives would not even then be placed upon an equality with the representatives of Great Britain and of some other powers. As now situated, our representatives in Japan and China have to depend for interpreters and translators upon natives of those countries who know our language imperfectly, or procure for the occasion the services of employees in foreign business houses or the interpreters to other foreign ministers.

I would also recommend liberal measures for the purpose of supporting the American lines of steamers now plying between San Francisco and Japan and China, and the Australian line—almost our only remaining lines of ocean steamers—and of increasing their services.

The national debt has been reduced to the extent of $86,057,126.80 during the year, and by the negotiation of national bonds at a lower rate of interest the interest on the public debt has been so far diminished that now the sum to be raised for the interest account is nearly $17,000,000 less than on the 1st of March, 1869. It was highly desirable that this rapid diminution should take place, both to strengthen the credit of the country and to convince its citizens of their entire ability to meet every dollar of liability without bankrupting them. But in view of the accomplishment of these desirable ends; of the rapid development of the resources of the country; its increasing ability to meet large demands, and the amount already paid, it is not desirable that the present resources of the country should continue to be taxed in order to continue this rapid payment. I therefore recommend a modification of both the tariff and internal-tax law. I recommend that all taxes from internal sources be abolished, except those collected from spirituous, vinous, and malt liquors, tobacco in its various forms, and from stamps.

In readjusting the tariff I suggest that a careful estimate be made of the amount of surplus revenue collected under the present laws, after providing for the current expenses of the Government, the interest account, and a sinking fund, and that this surplus be reduced in such a manner as to afford the greatest relief to the greatest number. There are many articles not produced at home, but which enter largely into general consumption through articles which are manufactured at home, such as medicines compounded, etc., etc., from which very little revenue is derived, but which enter into general use. All such articles I recommend to be placed on the "free list." Should a further reduction prove advisable, I would then recommend that it be made upon those articles which can best bear it without disturbing home production or reducing the wages of American labor.

I have not entered into figures, because to do so would be to repeat what will be laid before you in the report of the Secretary of the Treasury The present laws for collecting revenue pay collectors of customs small salaries, but provide for moieties (shares in all seizures), which, at principal ports of entry particularly, raise the compensation of those officials to a large sum. It has always seemed to me as if this system must at times work perniciously. It holds out an inducement to dishonest men, should such get possession of those offices, to be lax in their scrutiny of goods entered, to enable them finally to make large seizures. Your attention is respectfully invited to this subject.

Continued fluctuations in the value of gold, as compared with the national currency, has a most damaging effect upon the increase and development of the country, in keeping up prices of all articles necessary in everyday life. It fosters a spirit of gambling, prejudicial alike to national morals and the national finances. If the question can be met as to how to get a fixed value to our currency, that value constantly and uniformly approaching par with specie, a very desirable object will be gained.

For the operations of the Army in the past year, the expense of maintaining it, the estimate for the ensuing year, and for continuing seacoast and other improvements conducted under the supervision of the War Department, I refer you to the accompanying report of the Secretary of War.

I call your attention to the provisions of the act of Congress approved March 3, 1869, which discontinues promotions in the staff corps of the Army until provided for by law. I recommend that the number of officers in each grade in the staff corps be fixed, and that whenever the number in any one grade falls below the number so fixed, that the vacancy may be filled by promotion from the grade below. I also recommend that when the office of chief of a corps becomes vacant the place may be filled by selection from the corps in which the vacancy exists.

The report of the Secretary of the Navy shows an improvement in the number and efficiency of the naval force, without material increase in the expense of supporting it. This is due to the policy which has been adopted, and is being extended as fast as our material will admit, of using smaller vessels as cruisers on the several stations. By this means we have been enabled to occupy at once a larger extent of cruising grounds, to visit more frequently the ports where the presence of our flag is desirable, and generally to discharge more efficiently the appropriate duties of the Navy in time of peace, without exceeding the number of men or the expenditure authorized by law.

During the past year the Navy has, in addition to its regular service, supplied the men and officers for the vessels of the Coast Survey, and has completed the surveys authorized by Congress of the isthmuses of Darien and Tehuantepec, and, under like authority, has sent out an expedition, completely furnished and equipped, to explore the unknown ocean of the north.

The suggestions of the report as to the necessity for increasing and improving the *matériel* of the Navy, and the plan recommended for reducing the *personnel* of the service to a peace standard, by the gradual abolition of certain grades of officers, the reduction of others, and the employment of some in the service of the commercial marine, are well considered and deserve the thoughtful attention of Congress.

I also recommend that all promotions in the Navy above the rank of captain be by selection instead of by seniority. This course will secure in the higher grades greater efficiency and hold out an incentive to young officers to improve themselves in the knowledge of their profession.

The present cost of maintaining the Navy, its cost compared with that of the preceding year, and the estimates for the ensuing year are contained in the accompanying report of the Secretary of the Navy.

The enlarged receipts of the Post-Office Department, as shown by the accompanying report of the Postmaster-General, exhibit a gratifying increase in that branch of the public service. It is the index of the growth of education and of the prosperity of the people, two elements highly conducive to the vigor and stability of republics. With a vast territory like ours, much of it sparsely populated, but all requiring the services of the mail, it is not at present to be expected that this Department can be made self-sustaining. But a gradual approach to this end from year to year is confidently relied on, and the day is not far distant when the Post-Office Department of the Government will prove a much greater blessing to the whole people than it is now.

The suggestions of the Postmaster-General for improvements in the

Department presided over by him are earnestly recommended to your special attention. Especially do I recommend favorable consideration of the plan for uniting the telegraphic system of the United States with the postal system. It is believed that by such a course the cost of telegraphing could be much reduced, and the service as well, if not better, rendered. It would secure the further advantage of extending the telegraph through portions of the country where private enterprise will not construct it. Commerce, trade, and, above all, the efforts to bring a people widely separated into a community of interest are always benefited by a rapid intercommunication. Education, the groundwork of republican institutions, is encouraged by increasing the facilities to gather speedy news from all parts of the country. The desire to reap the benefit of such improvements will stimulate education. I refer you to the report of the Postmaster-General for full details of the operations of last year and for comparative statements of results with former years.

There has been imposed upon the executive branch of the Government the execution of the act of Congress approved April 20, 1871, and commonly known as the Kuklux law, in a portion of the State of South Carolina. The necessity of the course pursued will be demonstrated by the report of the Committee to Investigate Southern Outrages. Under the provisions of the above act I issued a proclamation* calling the attention of the people of the United States to the same, and declaring my reluctance to exercise any of the extraordinary powers thereby conferred upon me, except in case of imperative necessity, but making known my purpose to exercise such powers whenever it should become necessary to do so for the purpose of securing to all citizens of the United States the peaceful enjoyment of the rights guaranteed to them by the Constitution and the laws.

After the passage of this law information was received from time to time that combinations of the character referred to in this law existed and were powerful in many parts of the Southern States, particularly in certain counties in the State of South Carolina.

Careful investigation was made, and it was ascertained that in nine counties of that State such combinations were active and powerful, embracing a sufficient portion of the citizens to control the local authority, and having, among other things, the object of depriving the emancipated class of the substantial benefits of freedom and of preventing the free political action of those citizens who did not sympathize with their own views. Among their operations were frequent scourgings and occasional assassinations, generally perpetrated at night by disguised persons, the victims in almost all cases being citizens of different political sentiments from their own or freed persons who had shown a disposition to claim equal rights with other citizens. Thousands of inoffensive and well-disposed citizens were the sufferers by this lawless violence.

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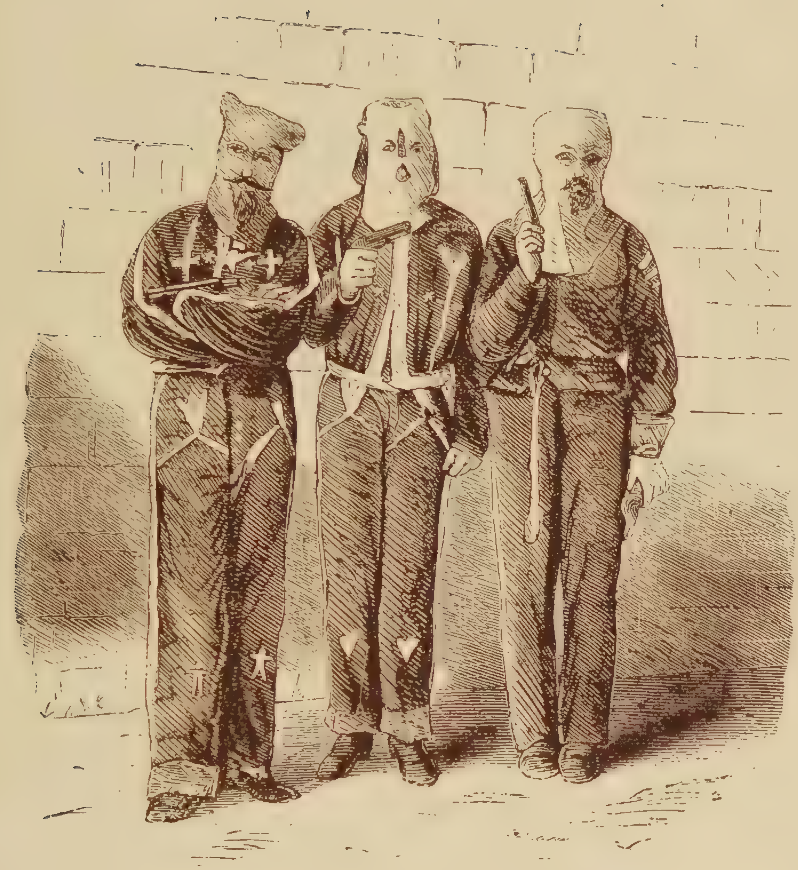
*See pp. 4088–4089.



KU KLUX CLAN

THE KU KLUX KLAN.

"The Ku Klux Klan was a secret organization in several of the Southern States soon after the Civil War. Its object was to suppress the negro as a factor in politics, by means of intimidation and terrorization, and for a time many of the most prominent and respectable citizens of the Southern States belonged to it; but later the more respectable element withdrew and the organization outran its original purpose. In many localities gross disorders and crimes were committed by persons in disguise, who were either members of the Klan or who were using the disguise and methods of the order for evil purposes."

Quoted from the article entitled "Ku Klux Klan" in the encyclopedic index.

The illustration reproduces a daguerreotype of three captured Ku Klux Klansmen in the disguises they wore when apprehended.

Thereupon, on the 12th of October, 1871, a proclamation* was issued, in terms of the law, calling upon the members of those combinations to disperse within five days and to deliver to the marshal or military officers of the United States all arms, ammunition, uniforms, disguises, and other means and implements used by them for carrying out their unlawful purposes.

This warning not having been heeded, on the 17th of October another proclamation † was issued, suspending the privileges of the writ of *habeas corpus* in nine counties in that State.

Direction was given that within the counties so designated persons supposed, upon creditable information, to be members of such unlawful combinations should be arrested by the military forces of the United States and delivered to the marshal, to be dealt with according to law. In two of said counties, York and Spartanburg, many arrests have been made. At the last account the number of persons thus arrested was 168. Several hundred, whose criminality was ascertained to be of an inferior degree, were released for the present. These have generally made confessions of their guilt.

Great caution has been exercised in making these arrests, and, notwithstanding the large number, it is believed that no innocent person is now in custody. The prisoners will be held for regular trial in the judicial tribunals of the United States.

As soon as it appeared that the authorities of the United States were about to take vigorous measures to enforce the law, many persons absconded, and there is good ground for supposing that all of such persons have violated the law. A full report of what has been done under this law will be submitted to Congress by the Attorney-General.

In Utah there still remains a remnant of barbarism, repugnant to civilization, to decency, and to the laws of the United States. Territorial officers, however, have been found who are willing to perform their duty in a spirit of equity and with a due sense of the necessity of sustaining the majesty of the law. Neither polygamy nor any other violation of existing statutes will be permitted within the territory of the United States. It is not with the religion of the self-styled Saints that we are now dealing, but with their practices. They will be protected in the worship of God according to the dictates of their consciences, but they will not be permitted to violate the laws under the cloak of religion.

It may be advisable for Congress to consider what, in the execution of the laws against polygamy, is to be the status of plural wives and their offspring. The propriety of Congress passing an enabling act authorizing the Territorial legislature of Utah to legitimize all children born prior to a time fixed in the act might be justified by its humanity to these innocent children. This is a suggestion only, and not a recommendation.

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*See pp. 4089–4090.

† See pp. 4090–4092.

The policy pursued toward the Indians has resulted favorably, so far as can be judged from the limited time during which it has been in operation. Through the exertions of the various societies of Christians to whom has been intrusted the execution of the policy, and the board of commissioners authorized by the law of April 10, 1869, many tribes of Indians have been induced to settle upon reservations, to cultivate the soil, to perform productive labor of various kinds, and to partially accept civilization. They are being cared for in such a way, it is hoped, as to induce those still pursuing their old habits of life to embrace the only opportunity which is left them to avoid extermination.

I recommend liberal appropriations to carry out the Indian peace policy, not only because it is humane, Christianlike, and economical, but because it is right.

I recommend to your favorable consideration also the policy of granting a Territorial government to the Indians in the Indian Territory west of Arkansas and Missouri and south of Kansas. In doing so every right guaranteed to the Indian by treaty should be secured. Such a course might in time be the means of collecting most of the Indians now between the Missouri and the Pacific and south of the British possessions into one Territory or one State. The Secretary of the Interior has treated upon this subject at length, and I commend to you his suggestions.

I renew my recommendation that the public lands be regarded as a heritage to our children, to be disposed of only as required for occupation and to actual settlers. Those already granted have been in great part disposed of in such a way as to secure access to the balance by the hardy settler who may wish to avail himself of them, but caution should be exercised even in attaining so desirable an object.

Educational interest may well be served by the grant of the proceeds of the sale of public lands to settlers. I do not wish to be understood as recommending in the least degree a curtailment of what is being done by the General Government for the encouragement of education.

The report of the Secretary of the Interior submitted with this will give you all the information collected and prepared for publication in regard to the census taken during the year 1870; the operations of the Bureau of Education for the year; the Patent Office; the Pension Office; the Land Office, and the Indian Bureau.

The report of the Commissioner of Agriculture gives the operations of his Department for the year. As agriculture is the groundwork of our prosperity, too much importance can not be attached to the labors of this Department. It is in the hands of an able head, with able assistants, all zealously devoted to introducing into the agricultural productions of the nation all useful products adapted to any of the various climates and soils of our vast territory, and to giving all useful information as to the method of cultivation, the plants, cereals, and other products adapted to particular localities. Quietly but surely the Agricultural Bureau is working a great national good, and if liberally supported the more widely its influence will be extended and the less dependent we shall be upon the products of foreign countries.

The subject of compensation to the heads of bureaus and officials holding positions of responsibility, and requiring ability and character to fill properly, is one to which your attention is invited. But few of the officials receive a compensation equal to the respectable support of a family, while their duties are such as to involve millions of interest. In private life services demand compensation equal to the services rendered; a wise economy would dictate the same rule in the Government service.

I have not given the estimates for the support of Government for the ensuing year, nor the comparative statement between the expenditures for the year just passed and the one just preceding, because all these figures are contained in the accompanying reports or in those presented directly to Congress. These estimates have my approval.

More than six years having elapsed since the last hostile gun was fired between the armies then arrayed against each other—one for the perpetuation, the other for the destruction, of the Union—it may well be considered whether it is not now time that the disabilities imposed by the fourteenth amendment should be removed. That amendment does not exclude the ballot, but only imposes the disability to hold offices upon certain classes. When the purity of the ballot is secure, majorities are sure to elect officers reflecting the views of the majority. I do not see the advantage or propriety of excluding men from office merely because they were before the rebellion of standing and character sufficient to be elected to positions requiring them to take oaths to support the Constitution, and admitting to eligibility those entertaining precisely the same views, but of less standing in their communities. It may be said that the former violated an oath, while the latter did not; the latter did not have it in their power to do so. If they had taken this oath, it can not be doubted they would have broken it as did the former class. If there are any great criminals, distinguished above all others for the part they took in opposition to the Government, they might, in the judgment of Congress, be excluded from such an amnesty.

This subject is submitted for your careful consideration.

The condition of the Southern States is, unhappily, not such as all true patriotic citizens would like to see. Social ostracism for opinion's sake, personal violence or threats toward persons entertaining political views opposed to those entertained by the majority of the old citizens, prevents immigration and the flow of much-needed capital into the States lately in rebellion. It will be a happy condition of the country when the old citizens of these States will take an interest in public affairs, promulgate ideas honestly entertained, vote for men representing their views, and tolerate the same freedom of expression and ballot in those entertaining different political convictions.

Under the provisions of the act of Congress approved February 21, 1871, a Territorial government was organized in the District of Columbia. Its results have thus far fully realized the expectations of its advocates. Under the direction of the Territorial officers, a system of improvements has been inaugurated by means of which Washington is rapidly becoming a city worthy of the nation's capital. The citizens of the District having voluntarily taxed themselves to a large amount for the purpose of contributing to the adornment of the seat of Government, I recommend liberal appropriations on the part of Congress, in order that the Government may bear its just share of the expense of carrying out a judicious system of improvements.

By the great fire in Chicago the most important of the Government buildings in that city were consumed. Those burned had already become inadequate to the wants of the Government in that growing city, and, looking to the near future, were totally inadequate. I recommend, therefore, that an appropriation be made immediately to purchase the remainder of the square on which the burned buildings stood, provided it can be purchased at a fair valuation, or provided that the legislature of Illinois will pass a law authorizing its condemnation for Government purposes; and also an appropriation of as much money as can properly be expended toward the erection of new buildings during this fiscal year.

The number of immigrants ignorant of our laws, habits, etc., coming into our country annually has become so great and the impositions practiced upon them so numerous and flagrant that I suggest Congressional action for their protection. It seems to me a fair subject of legislation by Congress. I can not now state as fully as I desire the nature of the complaints made by immigrants of the treatment they receive, but will endeavor to do so during the session of Congress, particularly if the subject should receive your attention.

It has been the aim of the Administration to enforce honesty and efficiency in all public offices. Every public servant who has violated the trust placed in him has been proceeded against with all the rigor of the law. If bad men have secured places, it has been the fault of the system established by law and custom for making appointments, or the fault of those who recommend for Government positions persons not sufficiently well known to them personally, or who give letters indorsing the characters of office seekers without a proper sense of the grave responsibility which such a course devolves upon them. A civil-service reform which can correct this abuse is much desired. In mercantile pursuits the business man who gives a letter of recommendation to a friend to enable him to obtain credit from a stranger is regarded as morally responsible for the integrity of his friend and his ability to meet his obligations. A reformatory law which would enforce this principle against all indorsers of persons for public place would insure great caution in making recommendations. A salutary lesson has been taught the careless and the dishonest public servant in the great number of prosecutions and convictions of the last two years.

It is gratifying to notice the favorable change which is taking place throughout the country in bringing to punishment those who have proven recreant to the trusts confided to them and in elevating to public office none but those who possess the confidence of the honest and the virtuous, who, it will always be found, comprise the majority of the community in which they live.

In my message to Congress one year ago I urgently recommended a reform in the civil service of the country. In conformity with that recommendation Congress, in the ninth section of "An act making appropriations for sundry civil expenses of the Government, and for other purposes," approved March 3, 1871, gave the necessary authority to the Executive to inaugurate a civil-service reform, and placed upon him the responsibility of doing so. Under the authority of said act I convened a board of gentlemen eminently qualified for the work to devise rules and regulations to effect the needed reform. Their labors are not yet complete, but it is believed that they will succeed in devising a plan that can be adopted to the great relief of the Executive, the heads of Departments, and members of Congress, and which will redound to the true interest of the public service. At all events, the experiment shall have a fair trial.

I have thus hastily summed up the operations of the Government during the last year, and made such suggestions as occur to me to be proper for your consideration. I submit them with a confidence that your combined action will be wise, statesmanlike, and in the best interests of the whole country.

U. S. GRANT.

SPECIAL MESSAGES.

EXECUTIVE MANSION, *December 4, 1871.*

To the House of Representatives:

In compliance with section 2 of the act making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, approved July 11, 1870, I herewith transmit the names and reports of and the amounts paid to consular agents of the United States.

U. S. GRANT.

WASHINGTON, *December 4, 1871.*

To the Senate and House of Representatives:

I transmit herewith to Congress a report, dated November 8, 1871, received from the Secretary of State, in compliance with the requirement of the act of March 3, 1871, making appropriations, among other things, for the increase of expenses and compensation of certain diplomatic and consular officers of the United States on account of the late war between France and Prussia. The expenditures therein mentioned have been made on my approval.

U. S. GRANT.

WASHINGTON, *December 4, 1871.*

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated the 4th instant, with the accompanying papers,* received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

WASHINGTON, *December 5, 1871.*

To the Senate and House of Representatives:

In pursuance of the provisions of the second section of the act approved June 20, 1864, entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1865, and for other purposes," I inform Congress that William Heine, a consular clerk, was on the 30th of August last removed from office for the following cause, viz: Insubordination, disobedience of orders, and disrespectful conduct toward his superiors.

U. S. GRANT.

WASHINGTON, *December 6, 1871.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 5th instant, a report from the Secretary of State, with accompanying papers.†

U. S. GRANT.

EXECUTIVE MANSION, *December 19, 1871.*

To the Senate and House of Representatives:

In accordance with the act of Congress approved March 3, 1871, I convened a commission of eminent gentlemen to devise rules and regulations for the purpose of reforming the civil service. Their labors are now completed, and I transmit herewith their report,* together with the rules which they recommend for my action. These rules have been adopted and will go into effect on the 1st day of January, 1872.

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*Report of fees collected, etc., by consular officers of the United States for 1870, and tariff of consular fees prescribed by the President October 1, 1870.

†Correspondence relative to the retirement of Constantin de Catacazy, minister from Russia to the United States.

Under the law referred to, as I interpret it, the authority is already invested in the Executive to enforce these regulations, with full power to abridge, alter, or amend them, at his option, when changes may be deemed advisable.

These views, together with the report of the commissioners, are submitted for your careful consideration as to whether further legislation may be necessary in order to carry out an effective and beneficial civil-service reform. If left to me, without further Congressional action, the rules prescribed by the commission, under the reservation already mentioned, will be faithfully executed; but they are not binding, without further legislation, upon my successors.

Being desirous of bringing this subject to the attention of Congress before the approaching recess, I have not time to sufficiently examine the accompanying report to enable me to suggest definite legislative action to insure the support which may be necessary in order to give a thorough trial to a policy long needed.

I ask for all the strength which Congress can give me to enable me to carry out the reforms in the civil service recommended by the commission, and adopted to take effect, as before stated, on January 1, 1872.

The law which provides for the convening of a commission to devise rules and regulations for reforming the civil service authorizes, I think, the permanent organization of a primary board under whose general direction all examinations of applicants for public office shall be conducted. There is no appropriation to continue such a board beyond the termination of its present labors. I therefore recommend that a proper appropriation be made to continue the services of the present board for another year, and in view of the fact that three members of the board hold positions in the public service, which precludes them from receiving extra compensation, under existing laws, that they be authorized to receive a fair compensation for extra services rendered by them in the performance of this duty.

U. S. GRANT.

RULES FOR THE CIVIL SERVICE.

1. No person shall be admitted to any position in the civil service within the appointment of the President or the heads of Departments who is not a citizen of the United States; who shall not have furnished satisfactory evidence in regard to character, health, and age, and who shall not have passed a satisfactory examination in speaking, reading, and writing the English language.

2. An advisory board of suitable persons, to be employed by the President under the ninth section of the act of March 3, 1871, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1872,

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*Omitted.

and for other purposes," shall, so far as practicable, group the positions in each branch of the civil service according to the character of the duties to be performed, and shall grade each group from lowest to highest for the purpose of promotion within the group. Admission to the civil service shall always be to the lowest grade of any group; and to such positions as can not be grouped or graded admission shall be determined as provided for the lowest grade.

3. A vacancy occurring in the lowest grade of any group of offices shall be filled, after due public notice, from all applicants who shall present themselves, and who shall have furnished the evidence and satisfied the preliminary examination already mentioned, and who shall have passed a public competitive examination to test knowledge, ability, and special qualifications for the performance of the duties of the office. The board conducting such competitive examination shall prepare, under the supervision of the Advisory Board, a list of the names of the applicants in the order of their excellence as proved by such examination, beginning with the highest, and shall then certify to the nominating or appointing power, as the case may be, the names standing at the head of such list, not exceeding three, and from the names thus certified the appointment shall be made.

4. A vacancy occurring in any grade of a group of offices above the lowest shall be filled by a competitive examination of applicants from the other grades of that group, and the list of names from which the appointment is to be made shall be prepared and certified as provided in the preceding rule; but if no such applicants are found competent the appointment shall be made upon an examination of all applicants, conducted in accordance with the provisions for admission to the lowest grade.

5. Applicants certified as otherwise qualified for appointment as cashiers of collectors of customs, cashiers of assistant treasurers, cashiers of postmasters, superintendents of money-order divisions in post-offices, and such other custodians of large sums of money as may hereafter be designated by the Advisory Board, and for whose pecuniary fidelity another officer is responsible, shall, nevertheless, not be appointed except with the approval of such other officer.

6. Postmasters whose annual salary is less than $200 may be appointed upon the written request of applicants, with such evidence of character and fitness as shall be satisfactory to the head of the Department.

7. The appointment of all persons entering the civil service in accordance with these regulations, excepting persons appointed by the President by and with the advice and consent of the Senate, postmasters, and persons appointed to any position in a foreign country, shall be made for a probationary term of six months, during which the conduct and capacity of such persons shall be tested; and if at the end of said probationary term satisfactory proofs of their fitness shall have been furnished by the board of examiners to the head of the Department in which they shall have been employed during said term, they shall be reappointed.

8. The President will designate three persons in each Department of the public service to serve as a board of examiners, which, under the supervision of the Advisory Board and under regulations to be prescribed by it, and at such times and places as it may determine, shall conduct, personally or by persons approved by the Advisory Board, all investigations and examinations for admission into said Departments or for promotion therein.

9. Any person who, after long and faithful service in a Department, shall be incapacitated by mental or bodily infirmity for the efficient discharge of the duties of his position may be appointed by the head of the Department, at his discretion, to a position of less responsibility in the same Department.

10. Nothing in these rules shall prevent the appointment of aliens to positions in the consular service which by reason of small compensation or of other sufficient cause are, in the judgment of the appointing power, necessarily so filled, nor the appointment of such persons within the United States as are indispensable to a proper

discharge of the duties of certain positions, but who may not be familiar with the English language or legally capable of naturalization.

11. No head of a Department nor any subordinate officer of the Government shall, as such officer, authorize or permit or assist in levying any assessment of money for political purposes, under the form of voluntary contributions or otherwise, upon any person employed under his control, nor shall any such person pay any money so assessed.

12. The Advisory Board shall at any time recommend to the President such changes in these rules as it may consider necessary to secure the greater efficiency of the civil service.

13. From these rules are excepted the heads of Departments, Assistant Secretaries of Departments, Assistant Attorneys-General, and First Assistant Postmaster-General, Solicitor-General, Solicitor of the Treasury, Naval Solicitor, Solicitor of Internal Revenue, examiner of claims in the State Department, Treasurer of the United States, Register of the Treasury, First and Second Comptrollers of the Treasury, judges of the United States courts, district attorneys, private secretary of the President, ambassadors and other public ministers, Superintendent of the Coast Survey, Director of the Mint, governors of Territories, special commissioners, special counsel, visiting and examining boards, persons appointed to positions without compensation for services, dispatch agents, and bearers of dispatches.

EXECUTIVE MANSION, *December 20, 1871.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 6th instant, requesting information in regard to certain measures with reference to the Spanish West Indies, I transmit reports from the Secretary of State and of the Navy, with the documents by which they were accompanied.

U. S. GRANT.

WASHINGTON, *January 8, 1872.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 6th of December, requesting to be informed if any further action is necessary by Congress to secure the immediate temporary preservation of the archives or public records now in the State Department, I transmit a report and accompanying papers from the Secretary of State.

U. S. GRANT.

WASHINGTON, *January 9, 1872.*

To the Senate:

In answer to the resolution of the Senate of the 19th of December last, calling for certain correspondence relating to the subject of international coinage not heretofore furnished, I transmit herewith a report from the Secretary of State, with the papers which accompanied it.

U. S. GRANT.

WASHINGTON, *January 15, 1872.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States and His Majesty the Emperor of Austria-Hungary, relative to the protection of trade-marks.

U. S. GRANT.

WASHINGTON, *January 15, 1872.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States and His Majesty the Emperor of Germany, relative to the rights, privileges, and duties of consuls and to the protection of trade-marks, signed at Berlin on the 11th ultimo.

A copy of the dispatch of the 11th ultimo from Mr. Bancroft, which accompanied the convention, is also transmitted for the information of the Senate.

U. S. GRANT.

WASHINGTON, *January 16, 1872.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 16th of May last, calling for papers, correspondence, and information relating to the case of the ship *Hudson* and schooner *Washington*,* I transmit reports from the Secretaries of State and of the Navy and the papers by which they were accompanied.

U. S. GRANT.

WASHINGTON, *January 30, 1872.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 15th instant, calling for certain correspondence relating to the release of the Fenian prisoner William G. Halpine, I transmit herewith a report of the Secretary of State.

U. S. GRANT.

WASHINGTON, *February 2, 1872.*

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 16th ultimo, a report from the Secretary of State, with accompanying papers.†

U. S. GRANT.

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*Seized by British authorities at the Falkland Islands in 1854.

† Correspondence relative to the seizure and detention of the American steamers *Hero*, *Dudley Buck*, *Nutrias*, and *San Fernando*, property of the Venezuela Steam Transportation Company, and the virtual imprisonment of the officers of those vessels.

WASHINGTON, *February 13, 1872.*

To the Senate of the United States:

In answer to the resolution adopted by the Senate on the 19th of December last, relative to questions with Spain growing out of affairs in Cuba and to instructions to our naval commanders in Cuban waters, I transmit reports from the Secretaries of State and of the Navy.

U. S. GRANT.

WASHINGTON, *February 13, 1872.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 8th instant, I transmit a report from the Secretary of State and the copy of the case of the United States presented to the tribunal of arbitration at Geneva, which accompanied it.

U. S. GRANT.

WASHINGTON, *February 23, 1872.*

To the Senate of the United States:

I transmit herewith, for the consideration of the Senate, a preliminary report of Dr. E. C. Wines, appointed under a joint resolution of Congress of the 7th of March, 1871, as commissioner of the United States to the international congress on the prevention and repression of crime, including penal and reformatory treatment.

U. S. GRANT.

WASHINGTON, *March 11, 1872.*

To the House of Representatives:

I transmit herewith a report,* dated the 5th instant, received from the Secretary of State, in compliance with the resolution of the House of Representatives of the 28th of February ultimo.

U. S. GRANT.

EXECUTIVE MANSION, *March 15, 1872.*

To the Senate and House of Representatives:

I have the honor herewith to transmit to Congress a recommendation from Hon. M. D. Leggett, Commissioner of Patents, for the reorganization of his office, and also the letter of the Secretary of the Interior accompanying it.

I concur with the Secretary of the Interior in the views expressed in his letter, and recommend the careful consideration of Congress to the subject of this communication, and action which will secure a more efficient performance of the duties of the Patent Office than is practicable under present legislation.

U. S. GRANT.

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*Relative to the number of consular and commercial agents of the United States abroad who speak or write the language of the country in which their districts are situated.

WASHINGTON, *March 16, 1872.*

To the House of Representatives:

I transmit herewith a report,* dated the 16th instant, received from the Secretary of State, in compliance with the resolution of the House of Representatives of the 7th instant.

U. S. GRANT.

WASHINGTON, *March 19, 1872.*

To the Senate of the United States:

I transmit to the Senate, for consideration with a view to its ratification, a "general convention of friendship, commerce, and extradition" between the United States and the Orange Free State, signed at Bloemfontein on the 22d of December last by W. W. Edgcomb, consul of the United States at Cape Town, acting on behalf of this Government, and by Mr. F. K. Höhne on behalf of the Orange Free State.

U. S. GRANT.

WASHINGTON, *March 20, 1872.*

To the House of Representatives:

I transmit herewith a report,† dated the 20th instant, received from the Secretary of State, to whom was referred the resolution of the House of Representatives of the 28th ultimo.

U. S. GRANT.

WASHINGTON, *March 23, 1872.*

To the House of Representatives of the United States:

In answer to a resolution of the House of Representatives of the 20th instant, I transmit a report from the Secretary of State, with a list of the newspapers ‡ which accompanied it.

U. S. GRANT.

WASHINGTON, *March 28, 1872.*

To the House of Representatives:

I transmit to the House of Representatives, in answer to their resolution of the 19th instant, a report of the Secretary of State and the papers § which accompany the same.

U. S. GRANT.

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*Stating that there are no papers in the Department of State to show that the inhabitants of the Navigators Islands, in the Pacific Ocean, have made application to have the protection of the United States extended over said islands.

†Transmitting a translation of the Spanish royal decree of July 6, 1860, prescribing regulations for the introduction of Chinese laborers into Cuba, and translation of a decree of Count Valmaseda, Captain-General of Cuba, of December 13, 1871, relative to the decree of July 6, 1860.

‡Selected to publish the laws of the United States for the second session of the Forty-second Congress.

§Correspondence relative to the imprisonment by Spanish authorities of Dr. J. E. Houard, a citizen of the United States, charged with complicity in the insurrection in Cuba.

WASHINGTON, *April 2, 1872.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 18th of January last, relating to British light-house dues, I transmit herewith a report from the Secretary of State and the documents which accompanied it.

U. S. GRANT.

WASHINGTON, *April 4, 1872.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 14th of January last, I transmit herewith a report* of the Secretary of State.

U. S. GRANT.

EXECUTIVE MANSION, *April 19, 1872.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 25th of January last, I have the honor to submit the following, accompanied by the report of the Attorney-General, to whom the resolution was referred:

Representations having been made to me that in certain portions of South Carolina a condition of lawlessness and terror existed, I requested the then Attorney-General (Akerman) to visit that State, and after personal examination to report to me the facts in relation to the subject. On the 16th of October last he addressed me a communication from South Carolina, in which he stated that in the counties of Spartanburg, York, Chester, Union, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield there were combinations for the purpose of preventing the free political action of citizens who were friendly to the Constitution and the Government of the United States, and of depriving emancipated classes of the equal protection of the laws.

"These combinations embrace at least two-thirds of the active white men of those counties, and have the sympathy and countenance of a majority of the one-third. They are connected with similar combinations in other counties and States, and no doubt are part of a grand system of criminal associations pervading most of the Southern States. The members are bound to obedience and secrecy by oaths which they are taught to regard as of higher obligation than the lawful oaths taken before civil magistrates.

"They are organized and armed. They effect their objects by personal violence, often extending to murder. They terrify witnesses; they control juries in the State courts, and sometimes in the courts of the United States. Systematic perjury is one of the means by which prosecutions of the members are defeated. From information given by officers of the State and of the United States and by credible private citizens I am justified in affirming that the instances of criminal violence perpetrated by these combinations within the last twelve months in the above-named counties could be reckoned by thousands."

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*Stating that the report of Richard D. Cutts on the marketable products of the sea was transmitted with the message of President Johnson of February 17, 1869.

I received information of a similar import from various other sources, among which were the Joint Select Committee of Congress upon Southern Outrages, the officers of the State, the military officers of the United States on duty in South Carolina, the United States attorney and marshal, and other civil officers of the Government, repentant and abjuring members of those unlawful organizations, persons specially employed by the Department of Justice to detect crimes against the United States, and from other credible persons.

Most, if not all, of this information, except what I derived from the Attorney-General, came to me orally, and was to the effect that said counties were under the sway of powerful combinations, properly known as "Kuklux Klans," the objects of which were by force and terror to prevent all political action not in accord with the views of the members; to deprive colored citizens of the right to bear arms and of the right to a free ballot; to suppress schools in which colored children were taught, and to reduce the colored people to a condition closely akin to that of slavery; that these combinations were organized and armed, and had rendered the local laws ineffectual to protect the classes whom they desired to oppress; that they had perpetrated many murders and hundreds of crimes of minor degree, all of which were unpunished; and that witnesses could not safely testify against them unless the more active members were placed under restraint.

U. S. GRANT.

WASHINGTON, *April 20, 1872.*

To the House of Representatives:

I transmit, for the information of the House of Representatives, a report from the Secretary of State and the copy of the counter case of the United States in the matter of the claims against Great Britain, as presented to the board of arbitration at Geneva, which accompanies it.

U. S. GRANT.

[The same message was sent to the Senate.]

WASHINGTON, *April 24, 1872.*

To the House of Representatives of the United States:

In answer to a resolution of the 22d instant, I transmit to the House of Representatives a report from the Secretary of State, with the British case[*] and papers which accompanied it.

U. S. GRANT.

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[*] Presented to the board of arbitration at Geneva.

To the House of Representatives:

In answer to a resolution of the House of Representatives of yesterday, I transmit a report of the Secretary of State and copies of the British counter case,* and the volumes of appendixes to the British case which accompany it.

U. S. GRANT.

APRIL 29, 1872.

EXECUTIVE MANSION, *April 30, 1872.*

To the Senate and House of Representatives:

I have the honor to transmit herewith the annual report of the board of public works of the District of Columbia, submitted to me for that purpose by the governor of the Territory in accordance with section 37 of "An act to provide a government for the District of Columbia," approved February 21, 1871.

U. S. GRANT.

WASHINGTON, D. C., *May 7, 1872.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 15th of March last, I transmit herewith a report of the Secretary of State and the papers† which accompanied it.

U. S. GRANT.

WASHINGTON, *May 7, 1872.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to its ratification, a convention between the United States and the Republic of Ecuador for the purpose of regulating the citizenship of persons who emigrate from the one country to the other, which instrument was signed in this city on the 6th instant.

U. S. GRANT.

WASHINGTON, *May 7, 1872.*

To the Senate of the United States:

I herewith communicate to the Senate a report from the Acting Secretary of the Interior of this date, in answer to the resolution of that body adopted on the 23d ultimo, calling for information relative to the recent affray at the court-house in Going Snake district, Indian Territory.

In view of the feeling of hostility which exists between the Cherokees and the United States authorities of the western district of Arkansas, it seems to be necessary that Congress should adopt such measures as will tend to allay that feeling and at the same time secure the enforcement of the laws in that Territory.

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*Presented to the board of arbitration at Geneva.

†Correspondence relative to the claim of the owners of the steamer *Aroostook* for compensation for the use of that vessel in searching for bodies and property lost in the United States steamer *Oneida*, wrecked in the Bay of Yedo in 1870.

I therefore concur with the Acting Secretary of the Interior in suggesting the adoption of a pending bill for the erection of a judicial district within the Indian Territory, as a measure which will afford the most immediate remedy for the existing troubles.

U. S. GRANT.

[A similar message, dated May 10, was sent to the House of Representatives, in answer to a resolution of that body of April 29.]

WASHINGTON, *May 13, 1872.*

To the Senate of the United States:

I transmit herewith the correspondence which has recently taken place respecting the differences of opinion which have arisen between this Government and that of Great Britain with regard to the powers of the tribunal of arbitration created under the treaty signed at Washington May 8, 1871.

I respectfully invite the attention of the Senate to the proposed article submitted by the British Government with the object of removing the differences which seem to threaten the prosecution of the arbitration, and request an expression by the Senate of their disposition in regard to advising and consenting to the formal adoption of an article such as is proposed by the British Government.

The Senate is aware that the consultation with that body in advance of entering into agreements with foreign states has many precedents. In the early days of the Republic General Washington repeatedly asked their advice upon pending questions with such powers. The most important recent precedent is that of the Oregon boundary treaty, in 1846.

The importance of the results hanging upon the present state of the treaty with Great Britain leads me to follow these former precedents and to desire the counsel of the Senate in advance of agreeing to the proposal of Great Britain.

U. S. GRANT.

EXECUTIVE MANSION, *May 14, 1872.*

To the Senate and House of Representatives of the United States:

In my message to Congress at the beginning of its present session allusion was made to the hardships and privations inflicted upon poor immigrants on shipboard and upon arrival on our shores, and a suggestion was made favoring national legislation for the purpose of effecting a radical cure of the evil.

Promise was made that a special message on this subject would be presented during the present session should information be received which would warrant it. I now transmit to the two Houses of Congress all that has been officially received since that time bearing upon the subject, and recommend that such legislation be had as will secure, first, such room and accommodation on shipboard as is necessary for health and comfort, and such privacy and protection as not to compel immigrants to be the unwilling witnesses to so much vice and misery; and, second, legislation to protect them upon their arrival at our seaports from the knaves who are ever ready to despoil them of the little all which they are able to bring with them. Such legislation will be in the interests of humanity, and seems to be fully justifiable. The immigrant is not a citizen of any State or Territory upon his arrival, but comes here to become a citizen of a great Republic, free to change his residence at will, to enjoy the blessings of a protecting Government, where all are equal before the law, and to add to the national wealth by his industry. On his arrival he does not know States or corporations, but confides implicitly in the protecting arm of the great, free country of which he has heard so much before leaving his native land. It is a source of serious disappointment and discouragement to those who start with means sufficient to support them comfortably until they can choose a residence and begin employment for a comfortable support to find themselves subject to ill treatment and every discomfort on their passage here, and at the end of their journey seized upon by professed friends, claiming legal right to take charge of them for their protection, who do not leave them until all their resources are exhausted, when they are abandoned in a strange land, surrounded by strangers, without employment and ignorant of the means of securing it. Under the present system this is the fate of thousands annually, the exposures on shipboard and the treatment on landing driving thousands to lives of vice and shame who, with proper humane treatment, might become useful and respectable members of society.

I do not advise national legislation in affairs that should be regulated by the States; but I see no subject more national in its character than provision for the safety and welfare of the thousands who leave foreign lands to become citizens of this Republic.

When their residence is chosen, they may then look to the laws of their locality for protection and guidance.

The mass of immigrants arriving upon our shores, coming, as they do, on vessels under foreign flags, makes treaties with the nations furnishing these immigrants necessary for their complete protection. For more than two years efforts have been made on our part to secure such treaties, and there is now reasonable ground to hope for success.

U. S. GRANT.

WASHINGTON, *May 14, 1872.*

To the Senate of the United States:

In answer to a resolution of the Senate of the 28th of March last, I transmit herewith copies of the correspondence between the Department of State and the consul of the United States at Bucharest relative to the persecution and oppression of the Israelites in the Principality of Roumania.

U. S. GRANT.

WASHINGTON, *May 15, 1872.*

To the House of Representatives:

I transmit herewith, for the information of the House of Representatives, the correspondence which has recently taken place respecting the differences of opinion which have arisen between this Government and that of Great Britain with regard to the powers of the tribunal of arbitration created under the treaty signed at Washington May 8, 1871, and which has led to certain negotiations, still pending, between the two Governments.

U. S. GRANT.

WASHINGTON, *May 17, 1872.*

To the Senate of the United States:

I herewith transmit to the Senate a communication of this date from the Acting Secretary of the Interior, and the papers therein described, containing information* called for in the Senate resolution of the 23d ultimo, which was answered in part on the 8th [7th] instant.

U. S. GRANT.

WASHINGTON, *May 21, 1872.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 14th instant, requesting information in regard to the commerce between the United States and certain British colonial possessions, I transmit a report from the Secretary of State and the documents by which it was accompanied.

U. S. GRANT.

WASHINGTON, *May 22, 1872.*

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 20th instant, requesting me to join the Italian Government in a protest against the intolerant and cruel treatment of the Jews in Roumania, I transmit a report from the Secretary of State relative to the subject.

U. S. GRANT.

WASHINGTON, *May 22, 1872.*

To the Senate of the United States:

I transmit to the Senate, for its consideration, an agreement between the Great Chief of the island of Tutuila, one of the Samoan group, in the

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*Relating to acts of United States marshals and deputy marshals in that portion of the western district of Arkansas comprising the Indian country.

South Pacific, and Commander R. W. Meade, commanding the United States steamer *Narragansett*, bearing date the 17th of February last. This instrument proposes to confer upon this Government the exclusive privilege of establishing a naval station in the dominions of that chief for the equivalent of protecting those dominions.

A copy of a letter of the 15th instant, and of its accompaniment, addressed by the Secretary of the Navy to the Secretary of State, descriptive of Tutuila and of other islands of the group, and of a letter in the nature of a protest from a person claiming to be consul of the North German Confederation in that quarter, are also herewith transmitted. No report has yet been received from Commander Meade on the subject. Although he was without special instructions or authority to enter into such agreement, the advantages of the concession which it proposes to make are so great, in view of the advantageous position of Tutuila, especially as a coaling station for steamers between San Francisco and Australia, that I should not hesitate to recommend its approval but for the protection on the part of the United States which it seems to imply. With some modification of the obligation of protection which the agreement imports, it is recommended to the favorable consideration of the Senate.

U. S. GRANT.

EXECUTIVE MANSION, *May 23, 1872.*

To the Senate of the United States:

I have the honor to transmit herewith, in answer to the resolution of the Senate of March 12, requesting to be informed of "the amount of money expended by the Government of the United States during the last three years for telegraphing by ocean cables," reports from the different Departments of the Government to which the resolution was referred.

U. S. GRANT.

EXECUTIVE MANSION, *May 24, 1872.*

To the Senate and House of Representatives:

In compliance with section 2 of the act approved July 11, 1870, entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes," I have the honor to transmit herewith the report of D. B. R. Keim, agent to examine consular affairs.

U. S. GRANT.

EXECUTIVE MANSION, *May 28, 1872.*

To the House of Representatives:

In further answer to the resolution of the 14th instant of the House of Representatives, wherein information in regard to commerce between the United States and certain British colonial possessions is requested, I transmit a report from the Postmaster-General and the document by which it was accompanied.

U. S. GRANT.

WASHINGTON, *May 28, 1872.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 7th instant, requesting copies of correspondence in regard to an extradition treaty with Belgium, I transmit a report from the Secretary of State and the documents by which it was accompanied.

U. S. GRANT.

EXECUTIVE MANSION, *May 31, 1872.*

To the Senate and House of Representatives:

I have the honor to respectfully call the attention of Congress to an act approved July 14, 1870, directing the Secretary of War to place at the disposal of the President certain bronze ordnance, to aid in the erection of an equestrian statue of the late General John A. Rawlins, and to the facts that no appropriation of money to pay for the statue is made by the resolution and no artist is named or party designated to whom the ordnance is to be delivered. In view of the ambiguity of the statute, I would recommend that Congress signify what action is desired as to the selection of the artist, and that the necessary sum required for the erection of the monument be appropriated. A board of officers should also be named to designate the location of the monument.

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, *March 28, 1872.*

To the House of Representatives:

I herewith return, for the further consideration of Congress, without my approval, House bill No. 1550, "An act for the relief of the estate of Dr. John F. Hanks," for the reason that the records of the Treasury Department show that the current moneys taken by Colonel S. B. Holabird from the Louisiana State Bank of New Orleans in the month of August, 1862, were accounted for by that officer to the Treasury Department, and the names of the depositors given, and that the name of Dr. John F. Hanks does not appear among them.

It also appears from the records of the Treasury Department that among the effects taken from the Louisiana State Bank of New Orleans was the sum of $1,729 of Confederate money, and that the said sum stood upon the books of said bank to the credit of J. F. Hanks. It is but justice, however, to the executors of the estate of Dr. Hanks to state that there is every reason to believe that the money deposited by Dr. Hanks in the Louisiana State Bank was in current funds, and that when application was made to Congress for the recovery of the same they believed, and had evidence to satisfy them, that such funds had found their way into the Treasury of the United States. There has unquestionably been a mistake made, either by the officers of the Louisiana State Bank or the persons engaged in removing the funds of that bank, by which the estate of Dr. Hanks is loser to the amount of relief afforded by House bill No. 1550.

Accompanying this I send the statement furnished by the Secretary of the Treasury of the funds covered into his Department, and accounted for through it, arising from the seizure of funds of the Louisiana State Bank of New Orleans in the month of August, 1862.

U. S. GRANT.

EXECUTIVE MANSION, *April 1, 1872.*

To the House of Representatives:

I return herewith, for the further consideration of Congress, House bill No. 1867, "An act for the relief of James T. Johnston," without my approval, for the reason that the records of the Treasury Department show that the lot sold in the name of J. T. Johnston, situate on Prince street, Alexandria, Va., for taxes due the United States, is numbered 162, instead of 163, as represented in this bill. With the exception of this discrepancy in the number of the lot there is no reason why the bill should not receive my approval.

U. S. GRANT.

WASHINGTON, *April 10, 1872.*

To the House of Representatives:

I have received and taken into consideration the bill entitled "An act for the relief of the children of John M. Baker, deceased," and, pursuant to the duty required of me by the Constitution, I return the same with my objections to the House of Representatives, in which it originated.

The bill proposes to pay a sum of money to the children of John M. Baker, deceased, late United States consul at Rio Janeiro, for services of that person as acting chargé d'affaires of the United States in the year 1834. So far as it can be ascertained it is apprehended that the bill may have received the sanction of Congress through some inadvertence, for upon inquiry at the proper Department it appears that Mr. Baker never did act as chargé d'affaires of the United States at Rio Janeiro, and that he was not authorized so to act, but, on the contrary, was expressly forbidden to enter into diplomatic correspondence with the Government of Brazil.

The letter of the 8th of February, 1854, a copy of which is annexed, addressed by William L. Marcy, then Secretary of State, to James M.

Mason, chairman of the Committee on Foreign Relations of the Senate, specifies objections to the claim, which it is believed have not since diminished, and in which I fully concur.

U. S. GRANT.

EXECUTIVE MANSION, *April 15, 1872.*

To the Senate of the United States:

I return without my approval an act entitled "An act granting a pension to Abigail Ryan, widow of Thomas A. Ryan." The name of Mrs. Ryan is now borne upon the pension rolls, pursuant to an act of Congress entitled "An act for the relief of Mrs. Abigail Ryan," approved June 15, 1866 (14 U. S. Statutes at Large, p. 590).

U. S. GRANT.

EXECUTIVE MANSION, *April 22, 1872.*

To the House of Representatives:

I return herewith House resolution No. 622, entitled "An act granting a pension to Richard B. Crawford," without my approval, for the reason that said Crawford is now drawing a pension as a private soldier, the wound on account of which he was pensioned having been received before his promotion to a lieutenancy.

U. S. GRANT.

EXECUTIVE MANSION, *May 14, 1872.*

To the Senate of the United States:

I have the honor to return herewith the bill (S. 955) entitled "An act granting a pension to Mary Ann Montgomery, widow of William W. Montgomery, late captain in Texas Volunteers," without my approval, inasmuch as the concluding phrase, "and in respect to her minor children under 16 years of age," has obviously no meaning whatsoever. If it were the intention of the framer of the bill that the pension thereby granted should revert to said minor children upon the remarriage or death of the widow, the phrase referred to should read as follows: "And in the event of her remarriage or death, to her minor children under 16 years of age." I therefore return the bill for proper action.

U. S. GRANT.

WASHINGTON, *June 1, 1872.*

To the Senate of the United States:

I have examined the bill entitled "An act for the relief of J. Milton Best," and, being unable to give it my approval, return the same to the Senate, the House in which it originated, without my signature.

The bill appropriates the sum of $25,000 to compensate Dr. J. Milton Best for the destruction of his dwelling house and its contents by order of the commanding officer of the United States military forces at Paducah, Ky., on the 26th day of March, 1864. It appears that this house was one of a considerable number destroyed for the purpose of giving open range to the guns of a United States fort. On the day preceding the destruction the houses had been used as a cover for rebel troops attacking the fort, and, apprehending a renewal of the attack, the commanding officer caused the destruction of the houses. This, then, is a claim for compensation on account of the ravages of war. It can not be denied that the payment of this claim would invite the presentation of demands for very large sums of money; and such is the supposed magnitude of the claims that may be made against the Government for necessary and unavoidable destruction of property by the Army that I deem it proper to return this bill for reconsideration.

It is a general principle of both international and municipal law that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied, or even actually destroyed, in times of great public danger, and when the public safety demands it; and in this latter case governments do not admit a legal obligation on their part to compensate the owner. The temporary occupation of, injuries to, and destruction of property caused by actual and necessary military operations are generally considered to fall within the last-mentioned principle. If a government makes compensation under such circumstances, it is a matter of bounty rather than of strict legal right.

If it be deemed proper to make compensation for such losses, I suggest for the consideration of Congress whether it would not be better, by general legislation, to provide some means for the ascertainment of the damage in all similar cases, and thus save to claimants the expense, inconvenience, and delay of attendance upon Congress, and at the same time save the Government from the danger of having imposed upon it fictitious or exaggerated claims supported wholly by *ex parte* proof. If the claimant in this case ought to be paid, so ought all others similarly situated; and that there are many such can not be doubted. Besides, there are strong reasons for believing that the amount of damage in this case has been greatly overestimated. If this be true, it furnishes an illustration of the danger of trusting entirely to *ex parte* testimony in such matters.

U. S. GRANT.

EXECUTIVE MANSION, *June 7, 1872.*

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 569, an act entitled "An act for the relief of Thomas B. Wallace, of Lexington, in the State of Missouri," without my approval.

This claim, for which $11,250 are appropriated by this bill, is of the same nature and character as the claim of Dr. J. Milton Best, which was returned to the Senate on the 1st instant without my signature.

The same reasons which prompted the return of that bill for reconsideration apply in this case, which also is a claim for compensation on account of the ravages of war, and comes under the same general principle of both international and municipal law, that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied, or even actually destroyed, in times of great public danger, and when the public safety demands it; and in the latter case governments do not admit a legal obligation on their part to compensate the owner.

The temporary occupation of, injuries to, and destruction of property caused by actual and necessary military operations are generally considered to fall within the last-mentioned principle, and if a government makes compensation under such circumstances it is a matter of bounty rather than of strict legal right. If it be deemed proper to make compensation for such losses, I renew my recommendation that provision be made by general legislation for all similar cases.

U. S. GRANT.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory information has been received by me, through Don Mauricio Lopez Roberts, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, that the Government of that country has abolished discriminating duties heretofore imposed on merchandise imported from all other countries, excepting the islands of Cuba and Porto Rico, into Spain and the adjacent islands in vessels of the United States, said abolition to take effect from and after the 1st day of January next:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after the said 1st day of January next, so long as merchandise imported from any other country, excepting the islands of Cuba and Porto Rico, into the ports of Spain and the islands adjacent thereto in vessels belonging to citizens of the United States shall be exempt from discriminating duties, any such duties on merchandise imported into the United States in Spanish vessels, excepting from the islands of Cuba and Porto Rico, shall be discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 19th day of December, A. D. 1871, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to the first section of the act of Congress approved the 11th day of June, 1864, entitled "An act to provide for the execution of treaties between the United States and foreign nations respecting consular jurisdiction over the crews of vessels of such foreign nations in the waters and ports of the United States," it is provided that before that act shall take effect as to the ships and vessels of any particular nation having such treaty with the United States the President of the United States shall have been satisfied that similar provisions have been made for the execution of such treaty by the other contracting party and shall have issued his proclamation to that effect, declaring that act to be in force as to such nation; and

Whereas due inquiry having been made and a satisfactory answer having been received that similar provisions are in force in the United Kingdoms of Sweden and Norway:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, do hereby proclaim the same accordingly.

Done at the city of Washington, this 11th day of May, A. D. 1872, [SEAL.] and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress approved June 25, 1868, constituted, on and after that date, eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States; and

Whereas on the 19th day of May, A. D. 1869, by Executive proclamation it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor; and

Whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such laborers, workmen, and mechanics:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the executive department of the Government having charge of the employment and payment of laborers, workmen, or mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of May, A. D. 1872, and of the Independence of the United States the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the act of Congress approved May 22, 1872, removes all political disabilities imposed by the third section of the fourteenth article of amendments to the Constitution of the United States from all persons whomsoever except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses and officers in the judicial, military, and naval service of the United States, heads of Departments, and foreign ministers of the United States; and

Whereas it is represented to me that there are now pending in the several circuit and district courts of the United States proceedings by *quo warranto* under the fourteenth section of the act of Congress approved May 31, 1870, to remove from office certain persons who are alleged to hold said offices in violation of the provisions of said article of amendment to the Constitution of the United States, and also penal prosecutions against such persons under the fifteenth section of the act of Congress aforesaid:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct all district attorneys having charge of such proceedings and prosecutions to dismiss and discontinue the same, except as to persons who may be embraced in the exceptions named in the act of Congress first above cited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of June, A. D. 1872, and of the Independence of the United States of America the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory information has been received by me from His Majesty the Emperor of Japan, through an official communication of Mr. Arinori Mori, His Majesty's chargé d'affaires, under date of the 2d instant, that no other or higher duties of tonnage or impost are imposed or levied in the ports of the Empire of Japan upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country than are levied on Japanese ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 24th day of May, 1828, do hereby declare and proclaim that from and after the said 2d instant, so long as vessels of the United States and their cargoes shall be exempt from discriminating duties as aforesaid, any such duties on Japanese vessels entering the ports of the United States, or on the produce, manufactures, or merchandise imported in such vessels, shall be discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, the 4th day of September, A. D. 1872, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

CHARLES HALE,
Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the revolution of another year has again brought the time when it is usual to look back upon the past and publicly to thank the Almighty for His mercies and His blessings; and

Whereas if any one people has more occasion than another for such thankfulness it is the citizens of the United States, whose Government is their creature, subject to their behests; who have reserved to themselves ample civil and religious freedom and equality before the law; who during the last twelvemonth have enjoyed exemption from any grievous or general calamity, and to whom prosperity in agriculture, manufactures, and commerce has been vouchsafed:

Now, therefore, by these considerations, I recommend that on Thursday, the 28th day of November next, the people meet in their respective places of worship and there make their acknowledgments to God for His kindness and bounty.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 11th day of October, A. D. 1872, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas upon information received by me from His Majesty the Emperor of the French that discriminating duties before the date of said information levied in French ports upon merchandise imported from the countries of its origin in vessels of the United States were discontinued and abolished, and in pursuance of the provisions of an act of Congress of the 7th of January, 1824, and of an act in addition thereto of the 24th of May, 1828, I did, on the 12th day of June, 1869, issue my proclamation* declaring that the discriminating duties before that date levied upon merchandise imported from the countries of its origin into ports of the United States in French vessels were thereby discontinued and abolished; and

Whereas upon information subsequently received by me that the levying of such duties on all merchandise imported into France in vessels of the United States, whether from the country of its origin or from other countries, had been discontinued, I did, on the 20th of November, 1869, in pursuance of the provisions of the said acts of Congress and by the authority in me vested thereby, issue my proclamation* declaring that the discriminating duties before that date levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, were thereby discontinued and abolished; and

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*See pp. 3969-3970.

Whereas by the provisions of the said acts of Congress of January 7, 1824, and of the 24th of May, 1828, as well as by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, the said suspension of discriminating duties upon merchandise imported into the United States in French vessels was granted by the United States on condition that, and to continue so long as, merchandise imported into France in vessels of the United States should be admitted into the ports of France on the same terms of exemption from the payment of such discriminating duties; and

Whereas information has been received by me that by a law of the French Republic passed on the 30th of January, 1872, and published on the 3d of February, 1872, merchandise imported into France in vessels of the United States from countries other than the United States is (with the exception of certain articles enumerated in said law) subjected to discriminating duties; and

Whereas by the operation of said law of the French Republic of the 30th of January, 1872, the exemption of French vessels and their cargoes granted by the terms of the said proclamations of the 12th of June, 1869, and of the 20th of November, 1869, in accordance with the provisions of the acts of Congress aforesaid, has ceased to be reciprocal on the part of France toward vessels owned by citizens of the United States and their cargoes:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by an act of Congress of the 7th day of January, 1824, and by an act in addition thereto of the 24th day of May, 1828, do hereby declare and proclaim that on and after this date the said suspension of the collection of discriminating duties upon merchandise imported into the United States in French vessels from countries other than France, provided for by my said proclamations of the 12th day of June, 1869, and the 20th day of November, 1869, shall cease and determine, and all the provisions of the acts imposing discriminating foreign tonnage and import duties in the United States are hereby revived, and shall henceforth be and remain in full force as relates to goods and merchandise imported into the United States in French vessels from countries other than France, so long as any discriminating duties shall continue to be imposed by France upon goods and merchandise imported into France in vessels of the United States from countries other than the United States.

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* See p. 3973.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 30th day of October, A. D. 1872, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDERS

WASHINGTON, *April 16, 1872.*

The Advisory Board of the civil service, having completed the grouping contemplated by the rules already adopted, have recommended certain provisions for carrying the rules into effect.

The recommendations as herewith published are approved, and the provisions will be enforced as rapidly as the proper arrangements can be made; and the thirteenth of the rules adopted on the 19th day of December last is amended to read as published herewith.

The utmost fidelity and diligence will be expected of all officers in every branch of the public service. Political assessments, as they are called, have been forbidden within the various Departments; and while the right of all persons in official position to take part in politics is acknowledged, and the elective franchise is recognized as a high trust to be discharged by all entitled to its exercise, whether in the employment of the Government or in private life, honesty and efficiency, not political activity, will determine the tenure of office.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

[For rules for the civil service promulgated by the President December 19, 1871, see pp. 4111–4113.]

[Rule 13, as amended.]

13. From these rules are excepted the heads of Departments, Assistant Secretaries of Departments, Assistant Attorneys-General, Assistant Postmasters-General, Solicitor-General, Solicitor of the Treasury, Naval Solicitor, Solicitor of Internal Revenue, examiner of claims in the State Department, Treasurer of the United States, Register of the Treasury, First and Second Comptrollers of the Treasury, other heads of bureaus in the several Departments, judges of the United States courts, district attorneys, private secretary of the President, ambassadors and other public ministers, Superintendent of the Coast Survey, Director of the Mint, governors of Territories, special commissioners, special counsel, visiting and examining boards, persons appointed to positions without compensation for services, dispatch agents, and bearers of dispatches.

REGULATIONS AND CLASSIFICATION.

1. No person will be appointed to any position in the civil service who shall not have furnished satisfactory evidence of his fidelity to the Union and the Constitution of the United States.

2. The evidence in regard to character, health, age, and knowledge of the English language required by the first rule shall be furnished in writing, and if such evidence shall be satisfactory to the head of the Department in which the appointment is to be made the applicant shall be notified when and where to appear for examination; but when the applicants are so numerous that the examination of all whose preliminary papers are satisfactory is plainly impracticable, the head of the Department shall select for examination a practicable number of those who are apparently best qualified.

3. Examinations to fill vacancies in any of the Executive Departments in Washington shall be held not only at the city of Washington, but also, when directed by the head of the Department in which the vacancy may exist, in the several States, either at the capital or other convenient place.

4. The appointment of persons to be employed exclusively in the secret service of the Government, also of persons to be employed as translators, stenographers, or private secretaries, or to be designated for secret service, to fill vacancies in clerkships in either of the Executive Departments at Washington, may be excepted from the operation of the rules.

5. When a vacancy occurs in a consular office of which the lawful annual compensation is $3,000 or more, it will be filled, at the discretion of the President, either by the transfer of some person already in the service or by a new appointment, which may be excepted from the operation of the rules. But if the vacancy occur in an office of which the lawful annual compensation, by salary or by fees ascertained by the last official returns, is more than $1,000 and less than $3,000, and it is not filled by transfer, applications will be addressed to the Secretary of State, inclosing proper certificates of character, responsibility, and capacity, and the Secretary will notify the applicant who upon investigation appears to be most suitable and competent to attend for examination; and if he shall be found qualified he will be nominated for confirmation, but if not found qualified, or if his nomination be not confirmed by the Senate, the Secretary will proceed in like manner with the other applicants who appear to him to be qualified. If, however, no applicants under this regulation shall be found suitable and qualified, the vacancy will be filled at discretion. The appointment of commercial agents and of consuls whose annual compensation is $1,000 or less (if derived from fees, the amount to be ascertained by the last official returns), of vice-consuls, deputy consuls, and of consular agents and other officers who are appointed upon the nomination of the principal officer, and for whom he is responsible upon his official bond, may be, until otherwise ordered, excepted from the operation of the rules.

6. When a vacancy occurs in the office of collector of the customs, naval officer, appraiser, or surveyor of the customs in the customs districts of New York, Boston and Charlestown, Baltimore, San Francisco, New Orleans, Philadelphia, Vermont (Burlington), Oswego, Niagara, Buffalo Creek, Champlain, Portland and Falmouth, Corpus Christi, Oswegatchie, Mobile, Brazos de Santiago (Brownsville), Texas (Galveston, etc.), Savannah, Charleston, Chicago, or Detroit, the Secretary of the Treasury shall ascertain if any of the subordinates in the customs districts in which such vacancy occurs are suitable persons qualified to discharge efficiently the duties of the office to be filled; and if such persons be found he shall certify to the President the name or names of those subordinates, not exceeding three, who in his judgment are best qualified for the position, from which the President will make the nomination to fill the vacancy; but if no such subordinate be found qualified, or if the nomination

be not confirmed, the nomination will be made at the discretion of the President. Vacancies occurring in such positions in the customs service in the said districts as are included in the subjoined classification will be filled in accordance with the rules. Appointments to all other positions in the customs service in said districts may be, until otherwise ordered, excepted from the operation of the rules.

7. When a vacancy occurs in the office of collector, appraiser, surveyor, or other chief officer in any customs district not specified in the preceding regulation, applications in writing from any subordinate or subordinates in the customs service of the district, or from other person or persons residing within the said district, may be addressed to the Secretary of the Treasury, inclosing proper certificates of character, responsibility, and capacity; and if any of the subordinates so applying shall be found suitable and qualified, the name or names, not exceeding three, of the best qualified shall be certified by the board of examiners to the Secretary, and from this list the nomination or appointment will be made; but if no such subordinate be found qualified, the said board shall certify to the Secretary the name or names, not exceeding three, of the best qualified among the other applicants, and from this list the nomination or appointment will be made. If, however, no applicants under this regulation shall be found suitable and qualified, the vacancy will be filled at discretion. Appointments to all other positions in the customs service in said districts may be, until otherwise ordered, excepted from the operation of the rules.

8. When a vacancy occurs in the office of postmaster in cities having, according to the census of 1870, a population of 20,000 or more, the Postmaster-General shall ascertain if any of the subordinates in such office are suitable persons qualified to discharge efficiently the duties of postmaster, and if such are found he shall certify to the President the name or names of those subordinates, not exceeding three in number, who in his judgment are best qualified for the position, from which list the President will make the nomination to fill the vacancy; but if no such subordinate be found so qualified, or if the nomination be not confirmed by the Senate, the nomination will be made at the discretion of the President. Vacancies occurring in such positions in the said post-office as are included in the subjoined classification will be filled in accordance with the rules. Appointments to all other positions in the said post-offices may be, until otherwise ordered, excepted from the operation of the rules.

9. When a vacancy occurs in the office of postmaster of a class not otherwise provided for, applications for the position from any subordinate or subordinates in the office, or from other persons residing within the delivery of the office, may be addressed to the Postmaster-General, inclosing proper certificates of character, responsibility, and capacity; and if any of the subordinates so applying shall be found suitable and qualified, the name or names of the best qualified, not exceeding three, shall be certified by the board of examiners to the Postmaster-General, and from them the nomination or appointment shall be made; but if no subordinate be found qualified, the said board shall certify to the Postmaster-General the name or names, not exceeding three, of the best qualified among the other applicants, and from them the nomination or appointment shall be made. If, however, no applicants under this regulation shall be found suitable and qualified, the vacancy will be filled at discretion. Appointments to all other positions in the said post-offices may be, until otherwise ordered, excepted from the operation of the rules.

10. Special agents of the Post-Office Department shall be appointed by the Postmaster-General at discretion from persons already in the postal service, and who shall have served therein for a period of not less than one year immediately preceding the appointment; but if no person within the service shall, in the judgment of the Postmaster-General, be suitable and qualified, the appointment shall be made from all applicants under the rules.

11. Mail-route messengers shall be appointed in the manner provided for the appointment of postmasters whose annual salary is less than $200.

12. When a vacancy occurs in the office of register or receiver of the land office, or of pension agent, applications in writing from residents in the district in which the

THE GREAT CHICAGO FIRE

THE GREAT CHICAGO FIRE

This conflagration occurred October 9 and 10, 1871. By it the city was almost entirely destroyed. More than two hundred million dollars' worth of property was destroyed, and one hundred thousand people were made homeless.

The effect of this event on the country was depressing, and the ablest, calmest and most conservative men of the Nation predicted it would usher in hard times. The optimistic and courageous spirit of the people of Chicago in immediately planning and commencing to build their city contributed more to dispel the gloom than any other factor. No more striking example of the real unity of these United States could be given than the promptness with which all sections join in relieving the distressed after a calamity like the Chicago, Boston and San Francisco fires.

vacancy occurs may be addressed to the Secretary of the Interior, inclosing proper certificates of character, responsibility, and capacity; and if any of the applicants shall be found suitable and qualified, the name or names, not exceeding three, of the best qualified shall be certified by the board of examiners to the Secretary, and from this list the nomination will be made. If, however, no applicants under this regulation shall be found suitable and qualified, the nomination will be made at discretion.

13. When a vacancy occurs in the office of United States marshal, applications in writing from residents in the district in which the vacancy occurs may be addressed to the Attorney-General of the United States, inclosing proper certificates of character, responsibility, and capacity; and if any of the applicants shall be found suitable and qualified, the name or names, not exceeding three, of the best qualified shall be certified by the board of examiners to the Attorney-General, and from this list the nomination will be made. If, however, no applicants under this regulation shall be found suitable and qualified, the nomination will be made at discretion.

14. Appointments to fill vacancies occurring in offices in the several Territories, excepting those of judges of the United States courts, Indian agents, and superintendents, will be made from suitable and qualified persons domiciled in the Territory in which the vacancy occurs, if any such are found.

15. It shall be the duty of the examining board in each of the Departments to report to the Advisory Board such modifications in the rules and regulations as in the judgment of such examining board are required for appointments to certain positions to which, by reason of distance, or of difficult access, or of other sufficient cause, the rules and regulations can not be applied with advantage; and if the reason for such modifications shall be satisfactory to the Advisory Board, said board will recommend them for approval.

16. Nothing in these rules and regulations shall prevent the reappointment at discretion of the incumbents of any office the term of which is fixed by law, and when such reappointment is made no vacancy within the meaning of the rules shall be deemed to have occurred.

17. Appointments to all positions in the civil service not included in the subjoined classification, nor otherwise specially provided for by the rules and regulations, may, until otherwise ordered, be excepted from the operation of the rules.

EXECUTIVE MANSION,
Washington, D. C., May 27, 1872.

SIR:* The President directs me to say that the several Departments of the Government will be closed on the 30th instant, in order to enable the employees of the Government to participate, in connection with the Grand Army of the Republic, in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

HORACE PORTER, *Secretary.*

DEPARTMENT OF STATE,
Washington, October 11, 1872.

The undersigned is charged by the President with the painful duty of announcing to the people of the United States the death of an illustrious citizen.

William Henry Seward, distinguished for faithful and eminent service in varied public trusts during a long series of years, died at Auburn, in the

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* Addressed to the heads of the Executive Departments, etc.

State of New York, yesterday, October 10. Charged with the administration of the Department of State at a most critical period in the history of the nation, Mr. Seward brought to the duties of that office exalted patriotism, unwearied industry, and consummate ability. A grateful nation will cherish his name, his fame, and his memory.

The several Executive Departments will cause appropriate honors to be rendered to the memory of the deceased statesman at home and abroad.

HAMILTON FISH,
Secretary of State.

FOURTH ANNUAL MESSAGE.

EXECUTIVE MANSION, *December 2, 1872.*

To the Senate and House of Representatives:

In transmitting to you this my fourth annual message it is with thankfulness to the Giver of All Good that as a nation we have been blessed for the past year with peace at home, peace abroad, and a general prosperity vouchsafed to but few peoples.

With the exception of the recent devastating fire which swept from the earth with a breath, as it were, millions of accumulated wealth in the city of Boston, there has been no overshadowing calamity within the year to record. It is gratifying to note how, like their fellow-citizens of the city of Chicago under similar circumstances a year earlier, the citizens of Boston are rallying under their misfortunes, and the prospect that their energy and perseverance will overcome all obstacles and show the same prosperity soon that they would had no disaster befallen them. Otherwise we have been free from pestilence, war, and calamities, which often overtake nations; and, as far as human judgment can penetrate the future, no cause seems to exist to threaten our present peace.

When Congress adjourned in June last, a question had been raised by Great Britain, and was then pending, which for a time seriously imperiled the settlement by friendly arbitration of the grave differences between this Government and that of Her Britannic Majesty, which by the treaty of Washington had been referred to the tribunal of arbitration which had met at Geneva, in Switzerland.

The arbitrators, however, disposed of the question which had jeoparded the whole of the treaty and threatened to involve the two nations in most unhappy relations toward each other in a manner entirely satisfactory to this Government and in accordance with the views and the policy which it had maintained.

The tribunal, which had convened at Geneva in December, concluded its laborious session on the 14th day of September last, on which day, having availed itself of the discretionary power given to it by the treaty to award a sum in gross, it made its decision, whereby it awarded the sum of $15,500,000 in gold as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to its consideration.

This decision happily disposes of a long-standing difference between the two Governments, and, in connection with another award, made by the German Emperor under a reference to him by the same treaty, leaves these two Governments without a shadow upon the friendly relations which it is my sincere hope may forever remain equally unclouded.

The report of the agent of the United States appointed to attend the Geneva tribunal, accompanied by the protocols of the proceedings of the arbitrators, the arguments of the counsel of both Governments, the award of the tribunal, and the opinions given by the several arbitrators, is transmitted herewith.

I have caused to be communicated to the heads of the three friendly powers who complied with the joint request made to them under the treaty the thanks of this Government for the appointment of arbitrators made by them respectively, and also my thanks to the eminent personages named by them, and my appreciation of the dignity, patience, impartiality, and great ability with which they discharged their arduous and high functions.

Her Majesty's Government has communicated to me the appreciation by Her Majesty of the ability and indefatigable industry displayed by Mr. Adams, the arbitrator named on the part of this Government during the protracted inquiries and discussions of the tribunal. I cordially unite with Her Majesty in this appreciation.

It is due to the agent of the United States before the tribunal to record my high appreciation of the marked ability, unwearied patience, and the prudence and discretion with which he has conducted the very responsible and delicate duties committed to him, as it is also due to the learned and eminent counsel who attended the tribunal on the part of this Government to express my sense of the talents and wisdom which they brought to bear in the attainment of the result so happily reached.

It will be the province of Congress to provide for the distribution among those who may be entitled to it of their respective shares of the money to be paid. Although the sum awarded is not payable until a year from the date of the award, it is deemed advisable that no time be lost in making a proper examination of the several cases in which indemnification may be due. I consequently recommend the creation of a board of commissioners for the purpose.

By the thirty-fourth article of the treaty of Washington the respective claims of the United States and of Great Britain in their construction of the treaty of the 15th of June, 1846, defining the boundary line between their respective territories, were submitted to the arbitration and award of His Majesty the Emperor of Germany, to decide which of those claims is most in accordance with the true interpretation of the treaty of 1846.

His Majesty the Emperor of Germany, having been pleased to undertake the arbitration, has the earnest thanks of this Government and of the people of the United States for the labor, pains, and care which he has devoted to the consideration of this long-pending difference. I have caused an expression of my thanks to be communicated to His Majesty. Mr. Bancroft, the representative of this Government at Berlin, conducted the case and prepared the statement on the part of the United States with the ability that his past services justified the public in expecting at his hands. As a member of the Cabinet at the date of the treaty which has given rise to the discussion between the two Governments, as the minister to Great Britain when the construction now pronounced unfounded was first advanced, and as the agent and representative of the Government to present the case and to receive the award, he has been associated with the question in all of its phases, and in every stage has manifested a patriotic zeal and earnestness in maintenance of the claim of the United States. He is entitled to much credit for the success which has attended the submission.

After a patient investigation of the case and of the statements of each party, His Majesty the Emperor, on the 21st day of October last, signed his award in writing, decreeing that the claim of the Government of the United States, that the boundary line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel, is most in accordance with the true interpretation of the treaty concluded on the 15th of June, 1846, between the Governments of Her Britannic Majesty and of the United States.

Copies of the "case" presented on behalf of each Government, and of the "statement in reply" of each, and a translation of the award, are transmitted herewith.

This award confirms the United States in their claim to the important archipelago of islands lying between the continent and Vancouvers Island, which for more than twenty-six years (ever since the ratification of the treaty) Great Britain has contested, and leaves us, for the first time in the history of the United States as a nation, without a question of disputed boundary between our territory and the possessions of Great Britain on this continent.

It is my grateful duty to acknowledge the prompt, spontaneous action of Her Majesty's Government in giving effect to the award. In anticipation of any request from this Government, and before the reception in the United States of the award signed by the Emperor, Her Majesty had given instructions for the removal of her troops which had been stationed there and for the cessation of all exercise or claim of jurisdiction, so as to leave the United States in the exclusive possession of the lately disputed territory. I am gratified to be able to announce that the orders for the removal of the troops have been executed, and that the military joint occupation of San Juan has ceased. The islands are now in the exclusive possession of the United States.

It now becomes necessary to complete the survey and determination of that portion of the boundary line (through the Haro Channel) upon which the commission which determined the remaining part of the line were unable to agree. I recommend the appointment of a commission to act jointly with one which may be named by Her Majesty for that purpose.

Experience of the difficulties attending the determination of our admitted line of boundary, after the occupation of the territory and its settlement by those owing allegiance to the respective Governments, points to the importance of establishing, by natural objects or other monuments, the actual line between the territory acquired by purchase from Russia and the adjoining possessions of Her Britannic Majesty. The region is now so sparsely occupied that no conflicting interests of individuals or of jurisdiction are likely to interfere to the delay or embarrassment of the actual location of the line. If deferred until population shall enter and occupy the territory, some trivial contest of neighbors may again array the two Governments in antagonism. I therefore recommend the appointment of a commission, to act jointly with one that may be appointed on the part of Great Britain, to determine the line between our Territory of Alaska and the conterminous possessions of Great Britain.

In my last annual message I recommended the legislation necessary on the part of the United States to bring into operation the articles of the treaty of Washington of May 8, 1871, relating to the fisheries and to other matters touching the relations of the United States toward the British North American possessions, to become operative so soon as the proper legislation should be had on the part of Great Britain and its possessions.

That legislation on the part of Great Britain and its possessions had not then been had, and during the session of Congress a question was raised which for the time raised a doubt whether any action by Congress in the direction indicated would become important. This question has since been disposed of, and I have received notice that the Imperial Parliament and the legislatures of the provincial governments have passed laws to carry the provisions of the treaty on the matters referred to into operation. I therefore recommend your early adoption of the legislation in the same direction necessary on the part of this Government.

The joint commission for determining the boundary line between the United States and the British possessions between the Lake of the Woods and the Rocky Mountains has organized and entered upon its work. It is desirable that the force be increased, in order that the completion of the survey and determination of the line may be the sooner attained. To this end I recommend that a sufficient appropriation be made.

With France, our earliest ally; Russia, the constant and steady friend of the United States; Germany, with whose Government and people we have so many causes of friendship and so many common sympathies, and the other powers of Europe, our relations are maintained on the most friendly terms.

Since my last annual message the exchange has been made of the ratifications of a treaty with the Austro-Hungarian Empire relating to naturalization; also of a treaty with the German Empire respecting consuls and trade-marks; also of a treaty with Sweden and Norway relating to naturalization; all of which treaties have been duly proclaimed.

Congress at its last session having made an appropriation to defray the expense of commissioners on the part of the United States to the International Statistical Congress at St. Petersburg, the persons appointed in that character proceeded to their destination and attended the sessions of the congress. Their report shall in due season be laid before you. This congress meets at intervals of about three years, and has held its sessions in several of the countries of Europe. I submit to your consideration the propriety of extending an invitation to the congress to hold its next meeting in the United States. The Centennial Celebration to be held in 1876 would afford an appropriate occasion for such meeting.

Preparations are making for the international exposition to be held during the next year in Vienna, on a scale of very great magnitude. The tendency of these expositions is in the direction of advanced civilization, and of the elevation of industry and of labor, and of the increase of human happiness, as well as of greater intercourse and good will between nations. As this exposition is to be the first which will have been held in eastern Europe, it is believed that American inventors and manufacturers will be ready to avail themselves of the opportunity for the presentation of their productions if encouraged by proper aid and protection.

At the last session of Congress authority was given for the appointment of one or more agents to represent this Government at the exposition. The authority thus given has been exercised, but, in the absence of any appropriation, there is danger that the important benefits which the occasion offers will in a large degree be lost to citizens of the United States. I commend the subject strongly to your consideration, and recommend that an adequate appropriation be made for the purpose.

To further aid American exhibitors at the Vienna Exposition, I would recommend, in addition to an appropriation of money, that the Secretary of the Navy be authorized to fit up two naval vessels to transport between our Atlantic cities and Trieste, or the most convenient port to Vienna, and back, their articles for exhibition.

Since your last session the President of the Mexican Republic, distinguished by his high character and by his services to his country, has died. His temporary successor has now been elected with great unanimity by the people—a proof of confidence on their part in his patriotism and wisdom which it is believed will be confirmed by the results of his administration. It is particularly desirable that nothing should be left undone by the Government of either Republic to strengthen their relations as neighbors and friends.

It is much to be regretted that many lawless acts continue to disturb the quiet of the settlements on the border between our territory and that of Mexico, and that complaints of wrongs to American citizens in various parts of the country are made. The revolutionary condition in which the neighboring Republic has so long been involved has in some degree contributed to this disturbance. It is to be hoped that with a more settled rule of order through the Republic, which may be expected from the present Government, the acts of which just complaint is made will cease.

The proceedings of the commission under the convention with Mexico of the 4th of July, 1868, on the subject of claims, have, unfortunately, been checked by an obstacle, for the removal of which measures have been taken by the two Governments which it is believed will prove successful.

The commissioners appointed, pursuant to the joint resolution of Congress of the 7th of May last, to inquire into depredations on the Texan frontier have diligently made investigations in that quarter. Their report upon the subject will be communicated to you. Their researches were necessarily incomplete, partly on account of the limited appropriation made by Congress. Mexico, on the part of that Government, has appointed a similar commission to investigate these outrages. It is not announced officially, but the press of that country states that the fullest investigation is desired, and that the cooperation of all parties concerned is invited to secure that end. I therefore recommend that a special appropriation be made at the earliest day practicable, to enable the commissioners on the part of the United States to return to their labors without delay.

It is with regret that I have again to announce a continuance of the disturbed condition of the island of Cuba. No advance toward the pacification of the discontented part of the population has been made. While the insurrection has gained no advantages and exhibits no more of the elements of power or of the prospects of ultimate success than were exhibited a year ago, Spain, on the other hand, has not succeeded in its repression, and the parties stand apparently in the same relative attitude which they have occupied for a long time past.

This contest has lasted now for more than four years. Were its scene at a distance from our neighborhood, we might be indifferent to its result, although humanity could not be unmoved by many of its incidents wherever they might occur. It is, however, at our door.

I can not doubt that the continued maintenance of slavery in Cuba is among the strongest inducements to the continuance of this strife. A terrible wrong is the natural cause of a terrible evil. The abolition of slavery and the introduction of other reforms in the administration of government in Cuba could not fail to advance the restoration of peace and order. It is greatly to be hoped that the present liberal Government of Spain will voluntarily adopt this view.

The law of emancipation, which was passed more than two years since, has remained unexecuted in the absence of regulations for its enforcement. It was but a feeble step toward emancipation, but it was the recognition of right, and was hailed as such, and exhibited Spain in harmony with sentiments of humanity and of justice and in sympathy with the other powers of the Christian and civilized world.

Within the past few weeks the regulations for carrying out the law of emancipation have been announced, giving evidence of the sincerity of intention of the present Government to carry into effect the law of 1870. I have not failed to urge the consideration of the wisdom, the policy, and the justice of a more effective system for the abolition of the great evil which oppresses a race and continues a bloody and destructive contest close to our border, as well as the expediency and the justice of conceding reforms of which the propriety is not questioned.

Deeply impressed with the conviction that the continuance of slavery is one of the most active causes of the continuance of the unhappy condition in Cuba, I regret to believe that citizens of the United States, or those claiming to be such, are large holders in Cuba of what is there claimed as property, but which is forbidden and denounced by the laws of the United States. They are thus, in defiance of the spirit of our own laws, contributing to the continuance of this distressing and sickening contest. In my last annual message I referred to this subject, and I again recommend such legislation as may be proper to denounce, and, if not prevent, at least to discourage American citizens from holding or dealing in slaves.

It is gratifying to announce that the ratifications of the convention concluded under the auspices of this Government between Spain on the one part and the allied Republics of the Pacific on the other, providing for an armistice, have been exchanged. A copy of the instrument is herewith submitted. It is hoped that this may be followed by a permanent peace between the same parties.

The differences which at one time threatened the maintenance of peace between Brazil and the Argentine Republic it is hoped are in the way of satisfactory adjustment.

With these States, as with the Republics of Central and of South America, we continue to maintain the most friendly relations.

It is with regret, however, I announce that the Government of Venezuela has made no further payments on account of the awards under the convention of the 25th of April, 1866. That Republic is understood to be now almost, if not quite, tranquilized. It is hoped, therefore, that it will lose no time in providing for the unpaid balance of its debt to the

United States, which, having originated in injuries to our citizens by Venezuelan authorities, and having been acknowledged, pursuant to a treaty, in the most solemn form known among nations, would seem to deserve a preference over debts of a different origin and contracted in a different manner. This subject is again recommended to the attention of Congress for such action as may be deemed proper.

Our treaty relations with Japan remain unchanged. An imposing embassy from that interesting and progressive nation visited this country during the year that is passing, but, being unprovided with powers for the signing of a convention in this country, no conclusion in that direction was reached. It is hoped, however, that the interchange of opinions which took place during their stay in this country has led to a mutual appreciation of the interests which may be promoted when the revision of the existing treaty shall be undertaken.

In this connection I renew my recommendation of one year ago, that—

> To give importance to and to add to the efficiency of our diplomatic relations with Japan and China, and to further aid in retaining the good opinion of those peoples, and to secure to the United States its share of the commerce destined to flow between those nations and the balance of the commercial world, an appropriation be made to support at least four American youths in each of those countries, to serve as a part of the official family of our ministers there. Our representatives would not even then be placed upon an equality with the representatives of Great Britain and of some other powers. As now situated, our representatives in Japan and China have to depend for interpreters and translators upon natives of those countries, who know our language imperfectly, or procure for the occasion the services of employees in foreign business houses or the interpreters to other foreign ministers.

I renew the recommendation made on a previous occasion, of the transfer to the Department of the Interior, to which they seem more appropriately to belong, of all the powers and duties in relation to the Territories with which the Department of State is now charged by law or by custom.

Congress from the beginning of the Government has wisely made provision for the relief of distressed seamen in foreign countries. No similar provision, however, has hitherto been made for the relief of citizens in distress abroad other than seamen. It is understood to be customary with other governments to authorize consuls to extend such relief to their citizens or subjects in certain cases. A similar authority and an appropriation to carry it into effect are recommended in the case of citizens of the United States destitute or sick under such circumstances. It is well known that such citizens resort to foreign countries in great numbers. Though most of them are able to bear the expenses incident to locomotion, there are some who, through accident or otherwise, become penniless, and have no friends at home able to succor them. Persons in this situation must either perish, cast themselves upon the charity of foreigners, or be relieved at the private charge of our own officers, who usually, even with the most benevolent dispositions, have nothing to spare for such purposes.

Should the authority and appropriation asked for be granted, care will be taken so to carry the beneficence of Congress into effect that it shall not be unnecessarily or unworthily bestowed.

TREASURY.

The moneys received and covered into the Treasury during the fiscal year ended June 30, 1872, were:

From customs	$216,370,286.77
From sales of public lands	2,575,714.19
From internal revenue	130,642,177.72
From tax on national-bank circulation, etc.	6,523,396.39
From Pacific railway companies	749,861.87
From customs fines, etc.	1,136,442.34
From fees—consular, patent, land, etc.	2,284,095.92
From miscellaneous sources	4,412,254.71
Total ordinary receipts	364,694,229.91
From premium on sales of coin	9,412,637.65
Total net receipts	374,106,867.56
Balance in Treasury June 30, 1871 (including $18,228.35 received from "unavailable")	109,935,705.59
Total available cash	484,042,573.15

The net expenditures by warrants during the same period were:

For civil expenses		$16,187,059.20
For foreign intercourse		1,839,369.14
For Indians		7,061,728.82
For pensions		28,533,402.76
For military establishment, including fortifications, river and harbor improvements, and arsenals		35,372,157.20
For naval establishment, including vessels and machinery and improvements at navy-yards		21,249,809.99
For miscellaneous civil, including public buildings, light-houses, and collecting the revenue		42,958,329.08
For interest on the public debt		117,357,839.72
Total, exclusive of principal and premium on the public debt		270,559,695.91
For premium on bonds purchased	$6,958,266.76	
For redemption of the public debt	99,960,253.54	
		106,918,520.30
Total net disbursements		377,478,216.21
Balance in Treasury June 30, 1872		106,564,356.94
Total		484,042,573.15

From the foregoing statement it appears that the net reduction of the principal of the debt during the fiscal year ending June 30, 1872, was $99,960,253.54.

The source of this reduction is as follows:

Net ordinary receipts during the year	$364,694,229.91
Net ordinary expenditures, including interest on the public debt	270,559,695.91
Leaving surplus revenue	94,134,534.00
Add amount received from premium on sales of gold, in excess of the premium paid on bonds purchased	2,454,370.89
Add the amount of the reduction of the cash balance at the close of the year, accompanied with same at commencement of the year	3,371,348.65
Total	99,960,253.54

This statement treats solely of the principal of the public debt.

By the monthly statement of the public debt, which adds together the principal, interest due and unpaid, and interest accrued to date, not due, and deducts the cash in the Treasury as ascertained on the day of publication, the reduction was $100,544,491.28.

The source of this reduction is as follows:

Reduction in principal account	$99,960,003.54
Reduction in unpaid-interest account	3,330,952.96
	103,290,956.50
Reduction in cash on hand	2,746,465.22
	100,544,491.28

On the basis of the last table the statements show a reduction of the public debt from the 1st of March, 1869, to the present time as follows:

From March 1, 1869, to March 1, 1870	$87,134,782.84
From March 1, 1870, to March 1, 1871	117,619,630.25
From March 1, 1871, to March 1, 1872	94,895,348.94
From March 1, 1872, to November 1, 1872 (eight months)	64,047,237.84
Total	363,696,999.87

With the great reduction of taxation by the acts of Congress at its last session, the expenditure of the Government in collecting the revenue will be much reduced for the next fiscal year. It is very doubtful, however, whether any further reduction of so vexatious a burden upon any people will be practicable for the present. At all events, as a measure of justice to the holders of the nation's certificates of indebtedness, I would recommend that no more legislation be had on this subject, unless it be to correct errors of omission or commission in the present laws, until sufficient time has elapsed to prove that it can be done and still leave sufficient revenue to meet current expenses of Government, pay interest on the public debt, and provide for the sinking fund established by law. The preservation of our national credit is of the highest importance; next in importance to this comes a solemn duty to provide a national currency of fixed, unvarying value as compared with gold, and as soon as practicable, having due regard for the interests of the debtor class and the vicissitudes of trade and commerce, convertible into gold at par.

WAR DEPARTMENT.

The report of the Secretary of War shows the expenditures of the War Department for the fiscal year ending June 30, 1871, to be $35,799,991.82, and for the fiscal year ending June 30, 1872, to be $35,372,157.20, showing a reduction in favor of the last fiscal year of $427,834.62.

The estimates for military appropriations for the next fiscal year, ending June 30, 1874, are $33,801,378.78.

The estimates of the Chief of Engineers are submitted separately for fortifications, river and harbor improvements, and for public buildings and grounds and the Washington Aqueduct.

The affairs of the Freedmen's Bureau have all been transferred to the War Department, and regulations have been put into execution for the speedy payment of bounty, pay, etc., due colored soldiers, properly coming under that Bureau. All war accounts, for money and property, prior to 1871 have been examined and transmitted to the Treasury for final settlement.

During the fiscal year there has been paid for transportation on railroads $1,300,000, of which $800,857 was over the Pacific railroads; for transportation by water $626,373.52, and by stage $48,975.84; for the purchase of transportation animals, wagons, hire of teamsters, etc., $924,650.64.

About $370,000 have been collected from Southern railroads during the year, leaving about $4,000,000 still due.

The Quartermaster has examined and transmitted to the accounting officers for settlement $367,172.72 of claims by loyal citizens for quartermaster stores taken during the war.

Subsistence supplies to the amount of $89,048.12 have been issued to Indians.

The annual average mean strength of the Army was 24,101 white and 2,494 colored soldiers. The total deaths for the year reported were 367 white and 54 colored.

The distribution of the Medical and Surgical History of the War is yet to be ordered by Congress.

There exists an absolute necessity for a medical corps of the full number established by act of Congress of July 28, 1866, there being now fifty-nine vacancies, and the number of successful candidates rarely exceeds eight or ten in any one year.

The river and harbor improvements have been carried on with energy and economy. Though many are only partially completed, the results have saved to commerce many times the amount expended. The increase of commerce, with greater depths of channels, greater security in navigation, and the saving of time, adds millions to the wealth of the country and increases the resources of the Government.

The bridge across the Mississippi River at Rock Island has been completed, and the proper site has been determined upon for the bridge at La Crosse.

The able and exhaustive report made by the commission appointed to investigate the Sutro Tunnel has been transmitted to Congress.

The observations and reports of the Signal Office have been continued. Stations have been maintained at each of the principal lake, seaport, and river cities. Ten additional stations have been established in the United States, and arrangements have been made for an exchange of reports with Canada, and a similar exchange of observations is contemplated with the West India Islands.

The favorable attention of Congress is invited to the following recommendations of the Secretary of War:

A discontinuance of the appointment of extra lieutenants to serve as adjutants and quartermasters; the adoption of a code providing specific penalties for well-defined offenses, so that the inequality of sentences adjudged by courts-martial may be adjusted; the consolidation of accounts under which expenditures are made, as a measure of economy; a reappropriation of the money for the construction of a depot at San Antonio, the title to the site being now perfected; a special act placing the cemetery at the City of Mexico on the same basis as other national cemeteries; authority to purchase sites for military posts in Texas; the appointment of commissary sergeants from noncommissioned officers, as a measure for securing the better care and protection of supplies; an appropriation for the publication of the catalogue and tables of the anatomical section of the Army Medical Museum; a reappropriation of the amount for the manufacture of breech-loading arms, should the selection be so delayed by the board of officers as to leave the former appropriation unexpended at the close of the fiscal year; the sale of such arsenals east of the Mississippi as can be spared, and the proceeds applied to the establishment of one large arsenal of construction and repair upon the Atlantic Coast and the purchase of a suitable site for a proving and experimental ground for heavy ordnance; the abrogation of laws which deprive inventors in the United States service from deriving any benefit from their inventions; the repeal of the law prohibiting promotions in the staff corps; a continuance of the work upon coast defenses; the repeal of the seventh section of the act of July 13, 1866, taking from engineer soldiers the per diem granted to other troops; a limitation of time for presentation of old war claims for subsistence supplies under act of July 4, 1864; and a modification in the mode of the selection of cadets for the Military Academy, in order to enhance the usefulness of the Academy, which is impaired by reason of the large amount of time necessarily expended in giving new cadets a thorough knowledge of the more elementary branches of learning, which they should acquire before entering the Academy. Also an appropriation for philosophical apparatus and an increase in the numbers and pay of the Military Academy band.

The attention of Congress will be called during its present session to various enterprises for the more certain and cheaper transportation of the constantly increasing surplus of Western and Southern products to the Atlantic Seaboard. The subject is one that will force itself upon the legislative branch of the Government sooner or later, and I suggest, therefore, that immediate steps be taken to gain all available information to insure equable and just legislation.

One route to connect the Mississippi Valley with the Atlantic, at Charleston, S. C., and Savannah, Ga., by water, by the way of the Ohio and Tennessee rivers, and canals and slack-water navigation to the Savannah and Ocmulgee rivers, has been surveyed, and report made by an accomplished engineer officer of the Army. Second and third new routes will be proposed for the consideration of Congress, namely, by an extension of the Kanawha and James River Canal to the Ohio, and by extension of the Chesapeake and Ohio Canal.

I am not prepared to recommend Government aid to these or other enterprises until it is clearly shown that they are not only of national interest, but that when completed they will be of a value commensurate with their cost.

That production increases more rapidly than the means of transportation in our country has been demonstrated by past experience. That the unprecedented growth in population and products of the whole country will require additional facilities—and cheaper ones for the more bulky articles of commerce to reach tide water and a market will be demanded in the near future—is equally demonstrable. I would therefore suggest either a committee or a commission to be authorized to consider this whole question, and to report to Congress at some future day for its better guidance in legislating on this important subject.

The railroads of the country have been rapidly extended during the last few years to meet the growing demands of producers, and reflect much credit upon the capitalists and managers engaged in their construction.

In addition to these, a project to facilitate commerce by the building of a ship canal around Niagara Falls, on the United States side, which has been agitated for many years, will no doubt be called to your attention at this session.

Looking to the great future growth of the country and the increasing demands of commerce, it might be well while on this subject not only to have examined and reported upon the various practicable routes for connecting the Mississippi with tide water on the Atlantic, but the feasibility of an almost continuous landlocked navigation from Maine to the Gulf of Mexico. Such a route along our coast would be of great value at all times, and of inestimable value in case of a foreign war. Nature has provided the greater part of this route, and the obstacles to overcome are easily within the skill of the engineer.

I have not alluded to this subject with the view of having any further expenditure of public money at this time than may be necessary to procure and place all the necessary information before Congress in an authentic form, to enable it hereafter, if deemed practicable and worthy, to legislate on the subject without delay.

NAVY DEPARTMENT.

The report of the Secretary of the Navy herewith accompanying explains fully the condition of that branch of the public service, its wants and deficiencies, expenses incurred during the past year, and appropriations for the same. It also gives a complete history of the services of the Navy for the past year in addition to its regular service.

It is evident that unless early steps are taken to preserve our Navy in a very few years the United States will be the weakest nation upon the ocean, of all great powers. With an energetic, progressive, business people like ours, penetrating and forming business relations with every part of the known world, a navy strong enough to command the respect of our flag abroad is necessary for the full protection of their rights.

I recommend careful consideration by Congress of the recommendations made by the Secretary of the Navy.

POST-OFFICE DEPARTMENT.

The accompanying report of the Postmaster-General furnishes a full and satisfactory exhibit of the operations of the Post-Office Department during the year. The ordinary revenues of the Department for the fiscal year ending June 30, 1872, amounted to $21,915,426.37, and the expenditures to $26,658,192.31. Compared with the previous fiscal year the increase of revenue was $1,878,330.95, or 9.37 per cent, and the increase of expenditures $2,268,088.23, or 9.29 per cent. Adding to the ordinary revenues the annual appropriation of $700,000 for free matter and the amounts paid to the subsidized mail steamship lines from special appropriations, the deficiency paid out of the General Treasury was $3,317,765.94, an excess of $389,707.28 over the deficiency for the year 1871.

Other interesting statistical information relating to our rapidly extending postal service is furnished in this report. The total length of railroad mail routes on the 30th of June, 1872, was 57,911 miles, 8,077 additional miles of such service having been put into operation during the year. Eight new lines of railway post-offices have been established, with an aggregate length of 2,909 miles. The number of letters exchanged in the mails with foreign countries was 24,362,500, an increase of 4,066,502, or 20 per cent, over the number in 1871; and the postage thereon amounted to $1,871,257.25. The total weight of the mails exchanged with European countries exceeded 820 tons. The cost of the United States transatlantic mail steamship service was $220,301.70. The total cost of the United States ocean steamship service, including the amounts paid to the subsidized lines of mail steamers, was $1,027,020.97.

The following are the only steamship lines now receiving subsidies for mail service under special acts of Congress: The Pacific Mail Steamship Company receive $500,000 per annum for conveying a monthly mail between San Francisco, Japan, and China, which will be increased to $1,000,000 per annum for a semimonthly mail on and after October 1, 1873; the United States and Brazil Mail Steamship Company receive $150,000 per annum for conveying a monthly mail between New York and Rio de Janeiro, Brazil; and the California, Oregon and Mexican Steamship Company receive $75,000 per annum for conveying a monthly mail between San Francisco and Honolulu (Hawaiian Islands), making the total amount of mail steamship subsidies at present $725,000 per annum.

Our postal communications with all parts of the civilized world have been placed upon a most advantageous footing by the improved postal conventions and arrangements recently concluded with the leading commercial countries of Europe and America, and the gratifying statement is made that with the conclusion of a satisfactory convention with France, the details of which have been definitely agreed to by the head of the French postal department, subject to the approval of the minister of finance, little remains to be accomplished by treaty for some time to come with respect either to reduction of rates or improved facilities of postal intercourse.

Your favorable consideration is respectfully invited to the recommendations made by the Postmaster-General for an increase of service from monthly to semimonthly trips on the mail steamship route to Brazil; for a subsidy in aid of the establishment of an American line of mail steamers between San Francisco, New Zealand, and Australia; for the establishment of post-office savings banks, and for the increase of the salaries of the heads of bureaus. I have heretofore recommended the abolition of the franking privilege, and see no reason now for changing my views on that subject. It not having been favorably regarded by Congress, however, I now suggest a modification of that privilege to correct its glaring and costly abuses. I would recommend also the appointment of a committee or commission to take into consideration the best method (equitable to private corporations who have invested their time and capital in the establishment of telegraph lines) of acquiring the title to all telegraph lines now in operation, and of connecting this service with the postal service of the nation. It is not probable that this subject could receive the proper consideration during the limits of a short session of Congress, but it may be initiated, so that future action may be fair to the Government and to private parties concerned.

There are but three lines of ocean steamers—namely, the Pacific Mail Steamship Company, between San Francisco, China, and Japan, with provision made for semimonthly service after October 1, 1873; the United States and Brazil line, monthly; and the California, New Zealand, and Australian line, monthly—plying between the United States and foreign ports, and owned and operated under our flag. I earnestly recommend that such liberal contracts for carrying the mails be authorized with these lines as will insure their continuance.

If the expediency of extending the aid of Government to lines of steamers which hitherto have not received it should be deemed worthy of the consideration of Congress, political and commercial objects make it advisable to bestow such aid on a line under our flag between Panama and the western South American ports. By this means much trade now diverted to other countries might be brought to us, to the mutual advantage of this country and those lying in that quarter of the continent of America.

The report of the Secretary of the Treasury will show an alarming falling off in our carrying trade for the last ten or twelve years, and even for the past year. I do not believe that public treasure can be better expended in the interest of the whole people than in trying to recover this trade. An expenditure of $5,000,000 per annum for the next five years, if it would restore to us our proportion of the carrying trade of the world, would be profitably expended.

The price of labor in Europe has so much enhanced within the last few years that the cost of building and operating ocean steamers in the United States is not so much greater than in Europe; and I believe the time has arrived for Congress to take this subject into serious consideration.

DEPARTMENT OF JUSTICE.

Detailed statements of the disbursements through the Department of Justice will be furnished by the report of the Attorney-General, and though these have been somewhat increased by the recent acts of Congress "to enforce the rights of citizens of the United States to vote in the several States of the Union," and "to enforce the provisions of the fourteenth amendment to the Constitution of the United States," and the amendments thereto, I can not question the necessity and salutary effect of those enactments. Reckless and lawless men, I regret to say, have associated themselves together in some localities to deprive other citizens of those rights guaranteed to them by the Constitution of the United States, and to that end have committed deeds of blood and violence; but the prosecution and punishment of many of these persons have tended greatly to the repression of such disorders. I do not doubt that a great majority of the people in all parts of the country favor the full enjoyment by all classes of persons of those rights to which they are entitled under the Constitution and laws, and I invoke the aid and influence of all good citizens to prevent organizations whose objects are by unlawful means to interfere with those rights. I look with confidence to the time, not far distant, when the obvious advantages of good order and peace will induce an abandonment of all combinations prohibited by the acts referred to, and when it will be unnecessary to carry on prosecutions or inflict punishment to protect citizens from the lawless doings of such combinations.

Applications have been made to me to pardon persons convicted of a violation of said acts, upon the ground that clemency in such cases would tend to tranquilize the public mind, and to test the virtue of that policy I am disposed, as far as my sense of justice will permit, to give to these applications a favorable consideration; but any action thereon is not to be construed as indicating any change in my determination to enforce with vigor such acts so long as the conspiracies and combinations therein named disturb the peace of the country.

It is much to be regretted, and is regretted by no one more than myself, that a necessity has ever existed to execute the "enforcement act." No one can desire more than I that the necessity of applying it may never again be demanded.

INTERIOR DEPARTMENT.

The Secretary of the Interior reports satisfactory improvement and progress in each of the several bureaus under the control of the Interior Department. They are all in excellent condition. The work which in some of them for some years has been in arrears has been brought down to a recent date, and in all the current business is being promptly dispatched.

INDIANS.

The policy which was adopted at the beginning of this Administration with regard to the management of the Indians has been as successful as its most ardent friends anticipated within so short a time. It has reduced the expense of their management; decreased their forays upon the white settlements; tended to give the largest opportunity for the extension of the great railways through the public domain and the pushing of settlements into more remote districts of the country, and at the same time improved the condition of the Indians. The policy will be maintained without any change excepting such as further experience may show to be necessary to render it more efficient.

The subject of converting the so-called Indian Territory south of Kansas into a home for the Indian, and erecting therein a Territorial form of government, is one of great importance as a complement of the existing Indian policy. The question of removal to that Territory has within the past year been presented to many of the tribes resident upon other and less desirable portions of the public domain, and has generally been received by them with favor. As a preliminary step to the organization of such a Territory, it will be necessary to confine the Indians now resident therein to farms of proper size, which should be secured to them in fee; the residue to be used for the settlement of other friendly Indians. Efforts will be made in the immediate future to induce the removal of as many peaceably disposed Indians to the Indian Territory as can be settled properly without disturbing the harmony of those already there. There is no other location now available where a people who are endeavoring to acquire a knowledge of pastoral and agricultural pursuits can be as well accommodated as upon the unoccupied lands in the Indian Territory. A Territorial government should, however, protect the Indians from the inroads of whites for a term of years, until they become sufficiently advanced in the arts and civilization to guard their own rights, and from the disposal of the lands held by them for the same period.

LANDS.

During the last fiscal year there were disposed of out of the public lands 11,864,975 acres, a quantity greater by 1,099,270 acres than was disposed of the previous year. Of this amount 1,370,320 acres were sold for cash, 389,460 acres located with military warrants, 4,671,332 acres taken for homesteads, 693,613 acres located with college scrip, 3,554,887 acres granted to railroads, 465,347 acres granted to wagon roads, 714,255 acres given to States as swamp land, 5,760 acres located by Indian scrip. The cash receipts from all sources in the Land Office amounted to $3,218,100. During the same period 22,016,608 acres of the public lands were surveyed, which, added to the quantity before surveyed, amounts to 583,364,780 acres, leaving 1,257,633,628 acres of the public lands still unsurveyed.

The reports from the subordinates of the Land Office contain interesting information in regard to their respective districts. They uniformly mention the fruitfulness of the soil during the past season and the increased yields of all kinds of produce. Even in those States and Territories where mining is the principal business agricultural products have exceeded the local demand, and liberal shipments have been made to distant points.

PATENTS.

During the year ending September 30, 1872, there were issued from the Patent Office 13,626 patents, 233 extensions, and 556 certificates and registries of trade-marks. During the same time 19,587 applications for patents, including reissues and designs, have been received and 3,100 caveats filed. The fees received during the same period amounted to $700,954.86, and the total expenditures to $623,553.90, making the net receipts over the expenditures $77,400.96.

Since 1836 200,000 applications for patents have been filed and about 133,000 patents issued. The office is being conducted under the same laws and general organization as were adopted at its original inauguration, when only from 100 to 500 applications were made per annum. The Commissioner shows that the office has outgrown the original plan, and that a new organization has become necessary. This subject was presented to Congress in a special communication in February last, with my approval and the approval of the Secretary of the Interior, and the suggestions contained in said communication were embraced in the bill that was reported to the House by the Committee on Patents at the last session. The subject of the reorganization of the Patent Office, as contemplated by the bill referred to, is one of such importance to the industrial interests of the country that I commend it to the attention of Congress.

The Commissioner also treats the subject of the separation of the Patent Office from the Department of the Interior. This subject is also embraced in the bill heretofore referred to. The Commissioner complains of the want of room for the model gallery and for the working force and necessary files of the office. It is impossible to transact the business of the office properly without more room in which to arrange files and drawings, that must be consulted hourly in the transaction of business. The whole of the Patent Office building will soon be needed, if it is not already, for the accommodation of the business of the Patent Office.

PENSIONS.

The amount paid for pensions in the last fiscal year was $30,169,340, an amount larger by $3,708,434 than was paid during the preceding year. Of this amount $2,313,409 were paid under the act of Congress of February 17, 1871, to survivors of the War of 1812. The annual increase of pensions by the legislation of Congress has more than kept pace with the natural yearly losses from the rolls. The act of Congress of June 8, 1872, has added an estimated amount of $750,000 per annum to the rolls, without increasing the number of pensioners. We can not, therefore, look for any substantial decrease in the expenditures of this Department for some time to come, or so long as Congress continues to so change the rates of pension.

The whole number of soldiers enlisted in the War of the Rebellion was 2,688,523. The total number of claims for invalid pensions is 176,000, being but 6 per cent of the whole number of enlisted men. The total number of claims on hand at the beginning of the year was 91,689; the number received during the year was 26,574; the number disposed of was 39,178, making a net gain of 12,604. The number of claims now on file is 79,085.

On the 30th of June, 1872, there were on the rolls the names of 95,405 invalid military pensioners, 113,518 widows, orphans, and dependent relatives, making an aggregate of 208,923 army pensioners. At the same time there were on the rolls the names of 1,449 navy pensioners and 1,730 widows, orphans, and dependent relatives, making the whole number of naval pensioners 3,179. There have been received since the passage of the act to provide pensions for the survivors of the War of 1812 36,551 applications, prior to June 30, 1872. Of these there were allowed during the last fiscal year 20,126 claims; 4,845 were rejected during the year, leaving 11,580 claims pending at that date. The number of pensions of all classes granted during the last fiscal year was 33,838. During that period there were dropped from the rolls, for various causes, 9,104 names, leaving a grand total of 232,229 pensioners on the rolls on the 30th of June, 1872.

It is thought that the claims for pensions on account of the War of 1812 will all be disposed of by the 1st of May, 1873. It is estimated that $30,480,000 will be required for the pension service during the next fiscal year.

THE CENSUS.

The Ninth Census is about completed. Its early completion is a subject of congratulation, inasmuch as the use to be made of the statistics therein contained depends very greatly on the promptitude of publication.

The Secretary of the Interior recommends that a census be taken in 1875, which recommendation should receive the early attention of Congress. The interval at present established between the Federal census is so long that the information obtained at the decennial period as to the material condition, wants, and resources of the nation is of little practical value after the expiration of the first half of that period. It would probably obviate the constitutional provision regarding the decennial census if a census taken in 1875 should be divested of all political character and no reapportionment of Congressional representation be made under it. Such a census, coming, as it would, in the last year of the first century of our national existence, would furnish a noble monument of the progress of the United States during that century.

EDUCATION.

The rapidly increasing interest in education is a most encouraging feature in the current history of the country, and it is no doubt true that this is due in a great measure to the efforts of the Bureau of Education. That office is continually receiving evidences, which abundantly prove its efficiency, from the various institutions of learning and educators of all kinds throughout the country.

The report of the Commissioner contains a vast amount of educational details of great interest. The bill now pending before Congress, providing for the appropriation of the net proceeds of the sales of public lands for educational purposes, to aid the States in the general education of their rising generation, is a measure of such great importance to our real progress and is so unanimously approved by the leading friends of education that I commend it to the favorable attention of Congress.

TERRITORIES.

Affairs in the Territories are generally satisfactory. The energy and business capacity of the pioneers who are settling up the vast domains not yet incorporated into States are keeping pace in internal improvements and civil government with the older communities. In but one of them (Utah) is the condition of affairs unsatisfactory, except so far as the quiet of the citizen may be disturbed by real or imaginary danger of Indian hostilities. It has seemed to be the policy of the legislature of Utah to evade all responsibility to the Government of the United States, and even to hold a position in hostility to it.

I recommend a careful revision of the present laws of the Territory by Congress, and the enactment of such a law (the one proposed in Congress at its last session, for instance, or something similar to it) as will secure peace, the equality of all citizens before the law, and the ultimate extinguishment of polygamy.

Since the establishment of a Territorial government for the District of Columbia the improvement of the condition of the city of Washington and surroundings and the increased prosperity of the citizens are observable to the most casual visitor. The nation, being a large owner of property in the city, should bear, with the citizens of the District, its just share of the expense of these improvements.

I recommend, therefore, an appropriation to reimburse the citizens for the work done by them along and in front of public grounds during the past year, and liberal appropriations in order that the improvements and embellishments of the public buildings and grounds may keep pace with the improvements made by the Territorial authorities.

AGRICULTURE.

The report of the Commissioner of Agriculture gives a very full and interesting account of the several divisions of that Department—the horticultural, agricultural, statistical, entomological, and chemical—and the benefits conferred by each upon the agricultural interests of the country. The whole report is a complete history, in detail, of the workings of that Department in all its branches, showing the manner in which the farmer, merchant, and miner is informed, and the extent to which he is aided in his pursuits.

The Commissioner makes one recommendation—that measures be taken by Congress to protect and induce the planting of forests—and suggests that no part of the public lands should be disposed of without the condition that one-tenth of it should be reserved in timber where it exists, and where it does not exist inducements should be offered for planting it.

CENTENNIAL CELEBRATION.

In accordance with the terms of the act of Congress approved March 3, 1871, providing for the celebration of the one hundredth anniversary of American independence, a commission has been organized, consisting of two members from each of the States and Territories. This commission has held two sessions, and has made satisfactory progress in the organization and in the initiatory steps necessary for carrying out the provisions of the act, and for executing also the provisions of the act of June 1, 1872, creating a centennial board of finance. A preliminary report of progress has been received from the president of the commission, and is herewith transmitted. It will be the duty of the commission at your coming session to transmit a full report of the progress made, and to lay before you the details relating to the exhibition of American and foreign arts, products, and manufactures, which by the terms of the act is to be held under the auspices of the Government of the United States in the city of Philadelphia in the year 1876.

This celebration will be looked forward to by American citizens with great interest, as marking a century of greater progress and prosperity than is recorded in the history of any other nation, and as serving a further good purpose in bringing together on our soil peoples of all the commercial nations of the earth in a manner calculated to insure international good feeling.

CIVIL SERVICE.

An earnest desire has been felt to correct abuses which have grown up in the civil service of the country through the defective method of making appointments to office. Heretofore Federal offices have been regarded too much as the reward of political services. Under authority of Congress rules have been established to regulate the tenure of office and the mode of appointments. It can not be expected that any system of rules can be entirely effective and prove a perfect remedy for the existing evils until they have been thoroughly tested by actual practice and amended according to the requirements of the service. During my term of office it shall be my earnest endeavor to so apply the rules as to secure the greatest possible reform in the civil service of the Government, but it will require the direct action of Congress to render the enforcement of the system binding upon my successors; and I hope that the experience of the past year, together with appropriate legislation by Congress, may reach a satisfactory solution of this question and secure to the public service for all time a practical method of obtaining faithful and efficient officers and employees.

U. S. GRANT.

SPECIAL MESSAGES.

WASHINGTON, *December 2, 1872.*

To the Senate and House of Representatives:

I transmit herewith a report, dated the 2d instant, received from the Secretary of State, supplementary to the report submitted by him under date of the 8th of November, 1871, with reference to the expenditures authorized by the fourth and fifth paragraphs of the act of March 3, 1871, and by the act of May 18, 1872, making appropriations for the increased expenses and compensation for extraordinary services of certain diplomatic and consular officers of the United States by reason of the late war between France and Prussia. These expenditures have been made on my approval.

U. S. GRANT.

WASHINGTON, *December 3, 1872.*

To the Senate and House of Representatives:

I transmit herewith to Congress a report, dated the 2d instant, with the accompanying papers,* received from the Secretary of State, in compliance with the requirements of the eighteenth section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

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* Report of fees collected, etc., by consular officers of the United States for 1871, and tariff of consular fees.

U. S. GRANT.

WASHINGTON, *December 3, 1872.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a convention between the United States of America and the United States of Mexico, signed in this city on the 27th ultimo, further extending the time fixed by the convention between the same parties of the 4th of July, 1868, for the duration of the joint commission on the subject of claims.

U. S. GRANT.

WASHINGTON, *December 3, 1872.*

To the Senate of the United States:

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States of America and the Republic of Ecuador, providing for the mutual surrender of fugitive criminals, signed at Quito on the 28th of June last.

U. S. GRANT.

WASHINGTON, *December 3, 1872.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention between the United States and His Majesty the King of Denmark, relating to naturalization.

U. S. GRANT.

WASHINGTON, *December 9, 1872.*

To the Senate of the United States:

In answer to the resolution of the Senate of the 5th instant, I transmit herewith a report* from the Secretary of State.

U. S. GRANT.

EXECUTIVE MANSION, *December 12, 1872.*

To the House of Representatives:

In compliance with section 2 of the act making appropriations for the consular and diplomatic expenses of the Government for the year ended June 30, 1871, and for other purposes, I herewith transmit a report received from the Secretary of the Treasury, giving the name of, the report made by, and the amount paid to the single consular agent of the United States.†

U. S. GRANT.

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*Stating that the correspondence relative to the existence of slavery on the coast of Africa and to the action taken by Great Britain and other countries for its suppression was transmitted with the annual message of the President on the 2d instant.

†De B. Randolph Keim.

WASHINGTON, *December 16, 1872.*

To the Senate and House of Representatives:

I transmit to Congress a report from the Secretary of State, accompanied by that of the commissioners for inquiring into depredations upon the frontier of the State of Texas, appointed pursuant to the joint resolution of the 7th of May last.

U. S. GRANT.

WASHINGTON, *January 5, 1873.*

To the Senate of the United States:

I transmit, for the consideration of the Senate with a view to ratification, a convention for the surrender of criminals between the United States of America and the Republic of Honduras, which was signed at Comayagua on the 4th day of June, 1873.

U. S. GRANT.

WASHINGTON, *January 13, 1873.*

To the House of Representatives:

In answer to resolution of the House of Representatives of the 16th of December last, calling for information relative to the condition of affairs in Louisiana, and what, if any, action has been taken in regard thereto, I herewith transmit the report of the Attorney-General and the papers by which it is accompanied.

U. S. GRANT.

WASHINGTON, *January 22, 1873.*

To the Senate of the United States:

I transmit herewith to the Senate, for its consideration with a view to ratification, an additional article to the treaty between the United States and Her Britannic Majesty of the 8th of May, 1871.

U. S. GRANT.

EXECUTIVE MANSION, *January 31, 1873.*

To the Senate and House of Representatives:

In compliance with section 2 of the act approved July 11, 1870, entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1871, and for other purposes," I have the honor to submit herewith a letter of the Secretary of the Treasury relative to the consular agent* appointed under authority of said act, together with the amounts paid such agent, and to transmit the report of the said agent upon the consular service of the United States.

U. S. GRANT.

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*De B. Randolph Keim.

WASHINGTON, *February 8, 1873.*

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 29th of January, requesting information in relation to the case of Bernhard Bernstein,* I transmit herewith a report from the Secretary of State upon that subject, with accompanying documents.

U. S. GRANT.

WASHINGTON, *February 13, 1873.*

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State and accompanying papers.†

U. S. GRANT.

EXECUTIVE MANSION, *February 14, 1873.*

To the Senate and House of Representatives:

I consider it my duty to call the attention of Congress to the condition of affairs in the Territory of Utah, and to the dangers likely to arise if it continues during the coming recess, from a threatened conflict between the Federal and Territorial authorities.

No discussion is necessary in regard to the general policy of Congress respecting the Territories of the United States, and I only wish now to refer to so much of that policy as concerns their judicial affairs and the enforcement of law within their borders.

No material differences are found in respect to these matters in the organic acts of the Territories, but an examination of them will show that it has been the invariable policy of Congress to place and keep their civil and criminal jurisdiction, with certain limited exceptions, in the hands of persons nominated by the President and confirmed by the Senate, and that the general administration of justice should be as prescribed by Congressional enactment. Sometimes the power given to the Territorial legislatures has been somewhat larger and sometimes somewhat smaller than the powers generally conferred. Never, however, have powers been given to a Territorial legislature inconsistent with the idea that the general judicature of the Territory was to be under the direct supervision of the National Government.

Accordingly, the organic law creating the Territory of Utah, passed September 9, 1850, provided for the appointment of a supreme court, the judges of which are judges of the district courts, a clerk, marshal, and an attorney, and to these Federal officers is confided jurisdiction in all important matters; but, as decided recently by the Supreme Court, the act requires jurors to serve in these courts to be selected in such manner as the Territorial legislature sees fit to prescribe. It has undoubtedly been the desire of Congress, so far as the same might be compatible with the supervisory control of the Territorial government, to leave the minor details connected with the administration of law to regulation by local authority; but such a desire ought not to govern when the effect will be, owing to the peculiar circumstances of the case, to produce a conflict between the Federal and the Territorial authorities, or to impede the enforcement of law, or in any way to endanger the peace and good order of the Territory.

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*Claim against Russia for illegal arrest and imprisonment.

†Report of the United States commissioner to the International Penitentiary Congress of London, and appendix containing summary of proceedings of the National Prison Congress of Baltimore.

Evidently it was never intended to intrust the Territorial legislature with power which would enable it, by creating judicatures of its own or increasing the jurisdiction of courts appointed by Territorial authority, although recognized by Congress, to take the administration of the law out of the hands of the judges appointed by the President or to interfere with their action.

Several years of unhappy experience make it apparent that in both of these respects the Territory of Utah requires special legislation by Congress.

Public opinion in that Territory, produced by circumstances too notorious to require further notice, makes it necessary, in my opinion, in order to prevent the miscarriage of justice and to maintain the supremacy of the laws of the United States and of the Federal Government, to provide that the selection of grand and petit jurors for the district courts, if not put under the control of Federal officers, shall be placed in the hands of persons entirely independent of those who are determined not to enforce any act of Congress obnoxious to them, and also to pass some act which shall deprive the probate courts, or any court created by the Territorial legislature, of any power to interfere with or impede the action of the courts held by the United States judges.

I am convinced that so long as Congress leaves the selection of jurors to the local authorities it will be futile to make any effort to enforce laws not acceptable to a majority of the people of the Territory, or which interfere with local prejudices or provide for the punishment of polygamy or any of its affiliated vices or crimes.

I presume that Congress, in passing upon the subject, will provide all reasonable and proper safeguards to secure honest and impartial jurors, whose verdicts will command confidence and be a guaranty of equal protection to all good and law-abiding citizens, and at the same time make it understood that crime can not be committed with impunity.

I have before said that while the laws creating the several Territories have generally contained uniform provisions in respect to the judiciary, yet Congress has occasionally varied these provisions in minor details, as the circumstances of the Territory affected seemed to demand; and in creating the Territory of Utah Congress evidently thought that circumstances there might require judicial remedies not necessary in other Territories, for by section 9 of the act creating that Territory it is provided that a writ of error may be brought from the decision of any judge of the supreme or district court of the Territory to the Supreme Court of the United States upon any writ of *habeas corpus* involving the question of personal freedom—a provision never inserted in any other Territorial act except that creating the Territory of New Mexico.

This extraordinary provision shows that Congress intended to mold the organic law to the peculiar necessities of the Territory, and the legislation which I now recommend is in full harmony with the precedent thus established.

I am advised that United States courts in Utah have been greatly embarrassed by the action of the Territorial legislature in conferring criminal jurisdiction and the power to issue writs of *habeas corpus* on the probate courts in the Territory, and by their consequent interference with the administration of justice. Manifestly the legislature of the Territory can not give to any court whatever the power to discharge by *habeas corpus* persons held by or under process from the courts created by Congress, but complaint is made that persons so held have been discharged in that way by the probate courts. I can not doubt that Congress will agree with me that such a state of things ought not longer to be tolerated, and that no class of persons anywhere should be allowed to treat the laws of the United States with open defiance and contempt.

Apprehensions are entertained that if Congress adjourns without any action upon this subject turbulence and disorder will follow, rendering military interference necessary—a result I should greatly deprecate; and in view of this and other obvious considerations, I earnestly recommend that Congress, at the present session, pass some act which will enable the district courts of Utah to proceed with independence and efficiency in the administration of law and justice.

U. S. GRANT.

WASHINGTON, *February 17, 1873*.

To the Senate of the United States:

In answer to a resolution of the Senate of the 14th instant, adopted in executive session, requiring of the Secretary of State information touching the business before the late mixed commission on claims under the convention with Mexico, I transmit a report from the Secretary of State and the papers by which it was accompanied.

U. S. GRANT.

WASHINGTON, *February 24, 1873*.

To the Senate and House of Representatives:

In my annual message to Congress at the opening of the second session of the present Congress, in December, 1871, I recommended the legislation necessary on the part of the United States to bring into operation the articles of the treaty of Washington of May 8, 1871, relative to the fisheries and to other matters touching the relations of the United States toward the British North American possessions, to become operative so soon as the proper legislation should be had on the part of Great Britain and its possessions. That legislation on the part of Great Britain and its possessions had not then been had.

Having, prior to the meeting of Congress in December last, received official information of the consideration by Great Britain and its possessions of the legislation necessary on their part to bring those articles into operation, I communicated that fact to Congress in my annual message at the opening of the present session, and renewed the recommendation for your early adoption of the legislation in the same direction necessary on the part of this Government.

The near approach of the end of the session induces me again to urgently call your attention to the importance of this legislation on the part of Congress.

It will be remembered that the treaty of Washington resulted from an overture on the part of Great Britain to treat with reference to the fisheries on the coast of Her Majesty's possessions in North America and other questions between them affecting the relations of the United States toward these possessions. To this overture a reply was made on the part of this Government that while appreciating the importance of a friendly and complete understanding between the two Governments with reference to the subject specially suggested by the British Government, it was thought that the removal of the differences growing out of what were generically known as the Alabama claims was essential to the restoration of cordial and amicable relations between the two Governments, and the assent of this Government to treat on the subject of the fisheries was made dependent on the assent of Great Britain to allow the joint commission which it had prepared on the questions suggested by that Government to treat also and settle the differences growing out of the Alabama claims.

Great Britain assented to this, and the treaty of Washington proposed a settlement of both classes of questions.

Those relating to the Alabama claims and to the northwestern water boundary, commonly known as the San Juan question, have been disposed of in pursuance of the terms of the treaty.

Those relating to the fisheries were made by the terms of the treaty to depend upon the legislation which the constitutions of the respective Governments made necessary to carry those provisions into effect.

Great Britain and her possessions have on their part enacted the necessary legislation.

This Government is now enjoying the advantages of those provisions of the treaty which were the result of the condition of its assent to treat upon the questions which Great Britain had submitted.

The tribunal at Geneva has made an award in favor of the United States on the Alabama claims, and His Majesty the Emperor of Germany has decided in favor of the contention of the United States on the northwestern boundary line.

I can not urge too strongly the importance of your early consideration of the legislation that may be necessary on the part of this Government.

In addition to the claim that Great Britain may have upon the good faith of this Government to consider the legislation necessary in connection with the questions which that Government presented as the subject of a negotiation which has resulted so favorably to this Government upon the other questions in which the United States felt so much interest, it is of importance that the rights of the American fishermen, as provided for under the treaty, should be determined before the now approaching fishing season opens, and that the serious difficulties to the fishing interests and the grave questions between the two Governments that may arise therefrom be averted.

U. S. GRANT.

EXECUTIVE MANSION, *February 25, 1873.*

To the Senate and House of Representatives:

Your attention is respectfully invited to the condition of affairs in the State of Louisiana.

Grave complications have grown out of the election there on the 6th of November last, chiefly attributable, it is believed, to an organized attempt on the part of those controlling the election officers and returns to defeat in that election the will of a majority of the electors of the State. Different persons are claiming the executive offices, two bodies are claiming to be the legislative assembly of the State, and the confusion and uncertainty produced in this way fall with paralyzing effect upon all its interests.

Controversy arose as soon as the election occurred over its proceedings and results, but I declined to interfere until suit involving this controversy to some extent was brought in the circuit court of the United States under and by virtue of the act of May 31, 1870, entitled "An act to enforce the right of citizens of the United States to vote in the several States of the Union, and for other purposes."

Finding that resistance was made to judicial process in that suit, without any opportunity, and, in my judgment, without any right, to review the judgment of the court upon the jurisdictional or other questions arising in the case, I directed the United States marshal to enforce such process and to use, if necessary, troops for that purpose, in accordance with the thirteenth section of said act, which provides that "it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States or of the militia as shall be necessary to aid in the execution of judicial process under this act."

Two bodies of persons claimed to be the returning board for the State, and the circuit court in that case decided that the one to which Lynch belonged, usually designated by his name, was the lawful returning board; and this decision has been repeatedly affirmed by the district and supreme courts of the State. Having no opportunity or power to canvass the votes, and the exigencies of the case demanding an immediate decision, I conceived it to be my duty to recognize those persons as elected who received and held their credentials to office from what then appeared to me to be, and has since been decided by the supreme court of the State to be, the legal returning board.

Conformably to the decisions of this board, a full set of State officers has been installed and a legislative assembly organized, constituting, if not a *de jure*, at least a *de facto* government, which, since some time in December last, has had possession of the offices and been exercising the usual powers of government; but opposed to this has been another government claiming to control the affairs of the State, and which has to some extent been *pro forma* organized.

Recent investigation into said election has developed so many frauds and forgeries as to make it doubtful what candidates received a majority of the votes actually cast, and in view of these facts a variety of action has been proposed. I have no specific recommendation to make upon the subject, but if there is any practicable way of removing these difficulties by legislation, then I earnestly request that such action may be taken at the present session of Congress.

It seems advisable that I should state now what course I shall feel bound to pursue in reference to the matter in the event of no action by Congress at this time. Subject to any satisfactory arrangement that may be made by the parties to the controversy, which of all things is the most desirable, it will be my duty, so far as it may be necessary for me to act, to adhere to that government heretofore recognized by me. To judge of the election and qualifications of its members is the exclusive province of the Senate, as it is also the exclusive province of the House to judge of the election and qualifications of its members; but as to State offices, filled and held under State laws, the decisions of the State judicial tribunals, it seems to me, ought to be respected.

I am extremely anxious to avoid any appearance of undue interference in State affairs, and if Congress differs from me as to what ought to be done I respectfully urge its immediate decision to that effect; otherwise I shall feel obliged, as far as I can by the exercise of legitimate authority, to put an end to the unhappy controversy which disturbs the peace and prostrates the business of Louisiana, by the recognition and support of that government which is recognized and upheld by the courts of the State.

U. S. GRANT.

VETO MESSAGES.

EXECUTIVE MANSION, *January 6, 1873*.

To the House of Representatives:

I return herewith, for the further consideration of Congress, House bill No. 2291, entitled "An act for the relief of Edmund Jussen," to which I have not appended my approval, for the following reasons:

The bill directs the accounting officers to transfer from Mr. Jussen's account to that of his successor all indebtedness arising from the loss or destruction or nontaking of warehouse bonds on certain spirits destroyed by fire. This provision would be wholly ineffective in so far as it proposes to increase the liability of Mr. Jussen's successor, he having been appointed subsequently to the destruction of the spirits. It might operate to relieve Mr. Jussen, but it seems probable that he is already relieved by the act of May 27, 1872, passed since the introduction of this bill. That act provides for the rebatement of taxes on distilled spirits destroyed by fire, except in cases where the owners of such spirits may be indemnified against tax by a valid claim of insurance. The relief of the taxpayers of course includes the relief of collectors from liability caused by failure to take bonds. It does not appear whether there was any insurance in this case. If not, the applicant is already relieved; but if there was an insurance the effect of this bill, if it became a law, might be to except Mr. Jussen from the operation of the general rule established by the proviso of the act of May 27, 1872. If such exception be proper, it should not be confined to an individual case, but extended to all. If there was an insurance, this bill would relieve Mr. Jussen from the liability with which it is very doubtful if his successor could be legally charged, or with which he ought to be charged.

U. S. GRANT.

EXECUTIVE MANSION, *January 22, 1873*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I herewith return to the House of Representatives, in which it originated, H. R. No. 630, entitled "An act in relation to new trials in the Court of Claims," without my approval.

The object of the bill is to reduce from two years to six months the time in which a new trial, upon motion of the United States, may be granted in the Court of Claims.

Great difficulties are now experienced in contesting fraudulent and unjust claims against the Government prosecuted in said court, and the effect of this bill, if it becomes a law, will be to increase those difficulties. Persons sue in this court generally with the advantage of a personal knowledge of the circumstances of the case, and are prompted by personal interest to activity in its preparation for trial, which consists sometimes in the production of false testimony and the suppression of the truth, while the United States are dependent for defense upon such inquiries as the officers of the Government, generally strangers to the transaction, are enabled to make, not infrequently in remote parts of the country and among those not averse to depredations upon the National Treasury. Instances have occurred where the existing opportunities for a new trial have enabled the Government to discover and defeat claims that ought not to have been allowed, after judgments thereon had been rendered by the Court of Claims.

By referring to the act which it is proposed to modify it will be seen that the payment of judgments recovered is not necessarily suspended for two years; but where the proofs are doubtful or suspicious the Government may appeal to the Supreme Court, and in the meantime may avail itself of any discovery or revelation of new evidence touching the facts of the case.

I fail to see the necessity or advantages of the proposed change in the law, and whatever may be the purposes of the bill, its effect, if passed, I am apprehensive will be to facilitate the prosecution of fraudulent claims against the United States. Believing that justice can and will be done to honest claimants in the Court of Claims as the law now stands, and believing also that the proposed change in the law will remove a valuable safeguard to the Treasury, I must for these reasons respectfully withhold my assent to the bill.

U. S. GRANT.

EXECUTIVE MANSION, *January 29, 1873.*

To the Senate of the United States:

I have the honor to return herewith Senate bill No. 490, entitled "An act for the relief of the East Tennessee University," without my approval.

This claim, for which $18,500 are appropriated out of the moneys of the United States, arises in part for the destruction of property by troops in time of war, and therefore the same objections attach to it as were expressed in my message of June 1, 1872, returning the Senate bill awarding $25,000 to J. Milton Best.

If the precedent is once established that the Government is liable for the ravages of war, the end of demands upon the public Treasury can not be forecast.

The loyalty of the people of the section in which the university is located, under circumstances of personal danger and trials, thus entitling them to the most favorable construction of the obligation of the Government toward them, is admitted, and nothing but regard for my duty to the whole people, in opposing a principle which, if allowed, will entail greater burdens upon the whole than the relief which will be afforded to a part by allowing this bill to become a law, could induce me to return it with objections.

Recognizing the claims of these citizens to sympathy and the most favorable consideration of their claims by the Government, I would heartily favor a donation of the amount appropriated by this bill for their relief.

U. S. GRANT.

WASHINGTON, *February 8, 1873.*

To the House of Representatives:

I have the honor to return herewith House bill (H. R. 2852) entitled "An act for the relief of James A. McCullah, late collector of the fifth district of Missouri," without my approval, for the following reasons:

It is provided in section 34 of the act of June 30, 1864, as amended by the act of July 13, 1866, that it shall be proved to the satisfaction of the Commissioner of Internal Revenue that due diligence was used by the collector, who shall certify the facts to the First Comptroller. This bill, should it become a law, clearly excuses Mr. McCullah, late collector, from showing that he used due diligence for the collection of the tax in question while the lists remained in his hands.

U. S. GRANT.

EXECUTIVE MANSION, *February 11, 1873.*

To the Senate of the United States:

I return herewith without my approval Senate bill No. 161, entitled "An act for the relief of those suffering from the destruction of salt works near Manchester, Ky., pursuant to the order of Major-General Carlos Buell."

All the objections made by me to the bill for the relief of J. Milton Best, and also of the East Tennessee University, apply with equal force to this bill.

According to the official report of Brigadier-General Craft, by whose immediate command the property in question was destroyed, there was a large rebel force in the neighborhood, who were using the salt works and had carried away a considerable quantity of salt, and were preparing to take more as soon as the necessary transportation could be procured; and he further states "that the leaders of the rebellion calculated upon their supply of salt to come from these works," and that in his opinion their destruction was a military necessity. I understand him to say, in effect, that the salt works were captured from the rebels; that it was impracticable to hold them, and that they were demolished so as to be of no further use to the enemy.

I can not agree that the owners of property destroyed under such circumstances are entitled to compensation therefor from the United States. Whatever other view may be taken of the subject, it is incontrovertible that these salt works were destroyed by the Union Army while engaged in regular military operations, and that the sole object of their destruction was to weaken, cripple, or defeat the armies of the so-called Southern Confederacy.

I am greatly apprehensive that the allowance of this claim could and would be construed into the recognition of a principle binding the United States to pay for all property which their military forces destroyed in the late war for the Union. No liability by the Government to pay for property destroyed by the Union forces in conducting a battle or siege has yet been claimed, but the precedent proposed by this bill leads directly and strongly in that direction, for it is difficult upon any ground of reason or justice to distinguish between a case of that kind and the one under consideration. Had General Craft and his command destroyed the salt works by shelling out the enemy found in their actual occupancy, the case would not have been different in principle from the one presented in this bill. What possible difference can it make in the rights of owners or the obligations of the Government whether the destruction was in driving the enemy out or in keeping them out of the possession of the salt works?

This bill does not present a case where private property is taken for public use in any sense of the Constitution. It was not taken from the owners, but from the enemy; and it was not then used by the Government, but destroyed. Its destruction was one of the casualties of war, and, though not happening in actual conflict, was perhaps as disastrous to the rebels as would have been a victory in battle.

Owners of property destroyed to prevent the spread of a conflagration, as a general rule, are not entitled to compensation therefor; and for reasons equally strong the necessary destruction of property found in the hands of the public enemy, and constituting a part of their military supplies, does not entitle the owner to indemnity from the Government for damages to him in that way.

I fully appreciate the hardship of the case, and would be glad if my convictions of duty allowed me to join in the proposed relief; but I can not consent to the doctrine which is found in this bill, as it seems to me, by which the National Treasury is exposed to all claims for property injured or destroyed by the armies of the United States in the late protracted and destructive war in this country.

U. S. GRANT.

PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 4th of March next, to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Ulysses S. Grant, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock at noon on that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States, at Washington, the 21st day of February, A. D. 1873, and of the Independence of the United States of America the ninety-seventh.

[SEAL.]

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

EXECUTIVE ORDERS.

BY THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER.

WASHINGTON, *January 17, 1873.*

Whereas it has been brought to the notice of the President of the United States that many persons holding civil office by appointment from him or otherwise under the Constitution and laws of the United States, while holding such Federal positions, accept offices under the authority of the States and Territories in which they reside, or of municipal corporations under the charters and ordinances of such corporations, thereby assuming the duties of the State, Territorial, or municipal office at the same time that they are charged with the duties of the civil office held under Federal authority; and

Whereas it is believed that, with few exceptions, the holding of two such offices by the same person is incompatible with a due and faithful discharge of the duties of either office; that it frequently gives rise to great inconvenience, and often results in detriment to the public service, and, moreover, is not in harmony with the genius of the Government:

In view of the premises, therefore, the President has deemed it proper thus and hereby to give public notice that from and after the 4th day of March, A. D. 1873 (except as herein specified), persons holding any Federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government or under the charter or ordinances of any municipal corporation; and further, that the acceptance or continued holding of any such State, Territorial, or municipal office, whether elective or by appointment, by any person holding civil office as aforesaid under the Government of the United States, other than judicial offices under the Constitution of the United States, will be deemed a vacation of the Federal office held by such person, and will be taken to be and will be treated as a resignation by such Federal officer of his commission or appointment in the service of the United States.

The offices of justices of the peace, of notaries public, and of commissioners to take the acknowledgment of deeds, of bail, or to administer oaths shall not be deemed within the purview of this order, and are excepted from its operation and may be held by Federal officers.

The appointment of deputy marshal of the United States may be conferred upon sheriffs or deputy sheriffs; and deputy postmasters the emoluments of whose office do not exceed $600 per annum are also excepted from the operations of this order, and may accept and hold appointments under State, Territorial, or municipal authority, provided the same be found not to interfere with the discharge of their duties as postmaster.

Heads of Departments and other officers of the Government who have the appointment of subordinate officers are required to take notice of this order, and to see to the enforcement of its provisions and terms within the sphere of their respective Departments or offices and as relates to the several persons holding appointments under them, respectively.

By order of the President:

HAMILTON FISH,
Secretary of State.

DEPARTMENT OF STATE,
Washington, January 28, 1873.

Inquiries having been made from various quarters as to the application of the Executive order issued on the 17th January, relating to the holding of State or municipal offices by persons holding civil offices under the Federal Government, the President directs the following reply to be made:

It has been asked whether the order prohibits a Federal officer from holding also the office of an alderman or of a common councilman in a city, or of a town councilman of a town or village, or of appointments under city, town, or village governments. By some it has been suggested that there may be distinction made in case the office be with or without salary or compensation. The city or town offices of the description referred to, by whatever names they may be locally known, whether held by election or by appointment, and whether with or without salary or compensation, are of the class which the Executive order intends not to be held by persons holding Federal offices.

It has been asked whether the order prohibits Federal officers from holding positions on boards of education, school committees, public libraries, religious or eleemosynary institutions incorporated or established or sustained by State or municipal authority. Positions and service on such boards or committees and professorships in colleges are not regarded as "offices" within the contemplation of the Executive order, but as employments or service in which all good citizens may be engaged without incompatibility, and in many cases without necessary interference with any position which they may hold under the Federal Government. Officers of the Federal Government may therefore engage in such service, provided the attention required by such employment does not interfere with the regular and efficient discharge of the duties of their office under the Federal Government. The head of the Department under whom the Federal office is held will in all cases be the sole judge whether or not the employment does thus interfere.

The question has also been asked with regard to officers of the State militia. Congress having exercised the power conferred by the Constitution to provide for organizing the militia, which is liable to be called forth to be employed in the service of the United States, and is thus in some sense under the control of the General Government, and is, moreover, of the greatest value to the public, the Executive order of the 17th January is not considered as prohibiting Federal officers from being officers of the militia in the States and Territories.

It has been asked whether the order prohibits persons holding office under the Federal Government being members of local or municipal fire departments; also whether it applies to mechanics employed by the day in the armories, arsenals, and navy-yards, etc., of the United States. Unpaid service in local or municipal fire departments is not regarded as an office within the intent of the Executive order, and may be performed by Federal officers, provided it does not interfere with the regular and efficient discharge of the duties of the Federal office, of which the head of the Department under which the office is held will in each case be the judge. Employment by the day as mechanics and laborers in the armories, arsenals, navy-yards, etc., does not constitute an office of any kind, and those thus employed are not within the contemplation of the Executive order. Master workmen and others who hold appointments from the Government or from any Department, whether for a fixed time or at the pleasure of the appointing power, are embraced within the operation of the order.

By order of the President:

HAMILTON FISH,
Secretary of State.

SECOND INAUGURAL ADDRESS.

Fellow-Citizens: Under Providence I have been called a second time to act as Executive over this great nation. It has been my endeavor in the past to maintain all the laws, and, so far as lay in my power, to act for the best interests of the whole people. My best efforts will be given in the same direction in the future, aided, I trust, by my four years' experience in the office.

When my first term of the office of Chief Executive began, the country had not recovered from the effects of a great internal revolution, and three of the former States of the Union had not been restored to their Federal relations.

It seemed to me wise that no new questions should be raised so long as that condition of affairs existed. Therefore the past four years, so far as I could control events, have been consumed in the effort to restore harmony, public credit, commerce, and all the arts of peace and progress. It is my firm conviction that the civilized world is tending toward republicanism, or government by the people through their chosen representatives, and that our own great Republic is destined to be the guiding star to all others.

Under our Republic we support an army less than that of any European power of any standing and a navy less than that of either of at least five of them. There could be no extension of territory on the continent which would call for an increase of this force, but rather might such extension enable us to diminish it.

The theory of government changes with general progress. Now that the telegraph is made available for communicating thought, together with rapid transit by steam, all parts of a continent are made contiguous for all purposes of government, and communication between the extreme limits of the country made easier than it was throughout the old thirteen States at the beginning of our national existence.

The effects of the late civil strife have been to free the slave and make him a citizen. Yet he is not possessed of the civil rights which citizenship should carry with it. This is wrong, and should be corrected. To this correction I stand committed, so far as Executive influence can avail.

Social equality is not a subject to be legislated upon, nor shall I ask that anything be done to advance the social status of the colored man, except to give him a fair chance to develop what there is good in him, give him access to the schools, and when he travels let him feel assured that his conduct will regulate the treatment and fare he will receive.

The States lately at war with the General Government are now happily rehabilitated, and no Executive control is exercised in any one of them that would not be exercised in any other State under like circumstances.

In the first year of the past Administration the proposition came up for the admission of Santo Domingo as a Territory of the Union. It was not a question of my seeking, but was a proposition from the people of Santo Domingo, and which I entertained. I believe now, as I did then, that it was for the best interest of this country, for the people of Santo Domingo, and all concerned that the proposition should be received favorably. It was, however, rejected constitutionally, and therefore the subject was never brought up again by me.

In future, while I hold my present office, the subject of acquisition of territory must have the support of the people before I will recommend any proposition looking to such acquisition. I say here, however, that I do not share in the apprehension held by many as to the danger of governments becoming weakened and destroyed by reason of their extension of territory. Commerce, education, and rapid transit of thought and matter by telegraph and steam have changed all this. Rather do I believe that our Great Maker is preparing the world, in His own good time, to become one nation, speaking one language, and when armies and navies will be no longer required.

My efforts in the future will be directed to the restoration of good feeling between the different sections of our common country; to the restoration of our currency to a fixed value as compared with the world's standard of values—gold—and, if possible, to a par with it; to the construction of cheap routes of transit throughout the land, to the end that the products of all may find a market and leave a living remuneration to the producer; to the maintenance of friendly relations with all our neighbors and with distant nations; to the reestablishment of our commerce and share in the carrying trade upon the ocean; to the encouragement of such manufacturing industries as can be economically pursued in this country, to the end that the exports of home products and industries may pay for our imports—the only sure method of returning to and permanently maintaining a specie basis; to the elevation of labor; and, by a humane course, to bring the aborigines of the country under the benign influences of education and civilization. It is either this or war of extermination. Wars of extermination, engaged in by people pursuing commerce and all industrial pursuits, are expensive even against the weakest people, and are demoralizing and wicked. Our superiority of strength and advantages of civilization should make us lenient toward the Indian. The wrong inflicted upon him should be taken into account and the balance placed to his credit. The moral view of the question should be considered and the question asked, Can not the Indian be made a useful and productive member of society by proper teaching and treatment? If the effort is made in good faith, we will stand better before the civilized nations of the earth and in our own consciences for having made it.

All these things are not to be accomplished by one individual, but they will receive my support and such recommendations to Congress as will in my judgment best serve to carry them into effect. I beg your support and encouragement.

It has been, and is, my earnest desire to correct abuses that have grown up in the civil service of the country. To secure this reformation rules regulating methods of appointment and promotions were established and have been tried. My efforts for such reformation shall be continued to the best of my judgment. The spirit of the rules adopted will be maintained.

I acknowledge before this assemblage, representing, as it does, every section of our country, the obligation I am under to my countrymen for the great honor they have conferred on me by returning me to the highest office within their gift, and the further obligation resting on me to render to them the best services within my power. This I promise, looking forward with the greatest anxiety to the day when I shall be released from responsibilities that at times are almost overwhelming, and from which I have scarcely had a respite since the eventful firing upon Fort Sumter, in April, 1861, to the present day. My services were then tendered and accepted under the first call for troops growing out of that event.

I did not ask for place or position, and was entirely without influence or the acquaintance of persons of influence, but was resolved to perform my part in a struggle threatening the very existence of the nation. I performed a conscientious duty, without asking promotion or command, and without a revengeful feeling toward any section or individual.

Notwithstanding this, throughout the war, and from my candidacy for my present office in 1868 to the close of the last Presidential campaign, I have been the subject of abuse and slander scarcely ever equaled in political history, which to-day I feel that I can afford to disregard in view of your verdict, which I gratefully accept as my vindication.

MARCH 4, 1873.

PROCLAMATIONS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, under the pretense that William P. Kellogg, the present executive of Louisiana, and the officers associated with him in the State administration were not duly elected, certain turbulent and disorderly persons have combined together with force and arms to resist the laws and constituted authorities of said State; and

Whereas it has been duly certified by the proper local authorities and judicially determined by the inferior and supreme courts of said State that said officers are entitled to hold their offices, respectively, and execute and discharge the functions thereof; and

Whereas Congress, at its late session, upon a due consideration of the subject, tacitly recognized the said executive and his associates, then as now in office, by refusing to take any action with respect thereto; and

Whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence; and

Whereas it is provided in the laws of the United States that in all cases of insurrection in any State or of obstruction to the laws thereof it shall be lawful for the President of the United States, on application of the legislature of such State, or of the executive when the legislature can not be convened, to call forth the militia of any other State or States, or to employ such part of the land and naval forces as shall be judged necessary, for the purpose of suppressing such insurrection or causing the laws to be duly executed; and

Whereas the legislature of said State is not now in session, and can not be convened in time to meet the present emergency, and the executive of said State, under section 4 of Article IV of the Constitution of the United States and the laws passed in pursuance thereof, has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence and to enforce the due execution of the laws; and

Whereas it is required that whenever it may be necessary, in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby make proclamation and command said turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within twenty days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and cooperation of all good citizens thereof to uphold law and preserve the public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 22d day of May, A. D. 1873, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the thirty-third article of a treaty concluded at Washington on the 8th day of May, 1871, between the United States and Her Britannic Majesty it was provided that—

Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand, and by the Congress of the United States on the other.

And whereas by the first section of an act entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," it is provided—

That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the parliament of Canada, and the legislature of Prince Edwards Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain signed at the city of Washington on the 8th day of May, 1871, as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence.

And whereas the Secretary of State of the United States and Her Britannic Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded in a protocol a conference held by them at the Department of State, in Washington, on the 7th day of June, 1873, in the following language:

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON ON THE 7TH DAY OF JUNE, 1873.

Whereas it is provided by Article XXXIII of the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXIII.

"The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation, and, further, until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterwards;" and

Whereas, in accordance with the stipulations of the above-recited article, an act was passed by the Imperial Parliament of Great Britain in the thirty-fifth and thirty-sixth years of the reign of Queen Victoria, intituled "An act to carry into effect a treaty between Her Majesty and the United States of America;" and

Whereas an act was passed by the senate and house of commons of Canada in the fifth session of the first parliament held in the thirty-fifth year of Her Majesty's reign and assented to in Her Majesty's name by the Governor-General on the 14th day of June, 1872, intituled "An act relating to the treaty of Washington, 1871;" and

Whereas an act was passed by the legislature of Prince Edwards Island and assented to by the lieutenant-governor of that colony on the 29th day of June, 1872, intituled "An act relating to the treaty of Washington, 1871;" and

Whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, and approved on the 1st day of March, 1873, by the President of the United States, intituled "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the 8th day of May, 1871, relating to fisheries:"

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Hon. Sir Edward Thornton, one of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Article XXX of the treaty aforesaid into operation have been passed by the Imperial Parliament of Great Britain, by the parliament of Canada, and by the legislature of Prince Edwards Island on the one part, and by the Congress of the United States on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX of the treaty between Her Britannic Majesty and the United States of America of the 8th of May, 1871, will take effect on the 1st day of July next.

In witness whereof the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this 7th day of June, 1873.

[SEAL.] (Signed) HAMILTON FISH.
[SEAL.] (Signed) EDWD. THORNTON.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain, the parliament of Canada, and the legislature of Prince Edwards Island have passed laws on their part to give full effect to the provisions of the said treaty as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 1st day of July, A. D. 1873, and of the Independence of the United States of America the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas by the act of Congress approved March 3, 1871, providing for a national celebration of the one hundredth anniversary of the independence of the United States by the holding of an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine in the city of Philadelphia in the year 1876, it is provided as follows:

> That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

And whereas his excellency the governor of the said State of Pennsylvania did, on the 24th day of June, 1873, inform me that provision has been made for the erection of said buildings and for the exclusive control by the commission provided for in the said act of the proposed exhibition; and

Whereas the president of the United States Centennial Commission has officially informed me of the dates fixed for the opening and closing of the said exhibition and the place at which it is to be held:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held at the city of Philadelphia, in the State of Pennsylvania, an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine, to be opened on the 19th day of April, A. D. 1876, and to be closed on the 19th day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States, and in behalf of this Government and people I cordially commend them to all nations who may be pleased to take part therein.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 3d day of July, 1873, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas satisfactory evidence was given me on the 13th day of September current by the Marquis de Noailles, envoy extraordinary and minister plenipotentiary from the French Republic, that on and after the 1st day of October next merchandise imported into France in vessels of the United States, from whatever country, will be subject to no other duties or imposts than those which shall be collected upon merchandise imported into France from countries of its origin or from any other country in French vessels:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by law, do hereby declare and proclaim that on and after the 1st day of October next, so long as merchandise imported into France in vessels of the United States, whether from the countries of its origin or from other countries, shall be admitted into the ports of France on the terms aforesaid, the discriminating duties heretofore levied upon merchandise imported into the United States in French vessels, either from the countries of its origin or from any other country, shall be and are discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 22d day of September, A. D. 1873, and of the Independence of the United States of America the ninety-eighth.

U. S. GRANT.

By the President:

J. C. BANCROFT DAVIS,

Acting Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The approaching close of another year brings with it the occasion for renewed thanksgiving and acknowledgment to the Almighty Ruler of the Universe for the unnumbered mercies which He has bestowed upon us.

Abundant harvests have been among the rewards of industry. With local exceptions, health has been among the many blessings enjoyed. Tranquillity at home and peace with other nations have prevailed.

Frugal industry is regaining its merited recognition and its merited rewards.

Gradually but, under the providence of God, surely, as we trust, the nation is recovering from the lingering results of a dreadful civil strife.

For these and all the other mercies vouchsafed it becomes us as a people to return heartfelt and grateful acknowledgments, and with our thanksgiving for blessings we may unite prayers for the cessation of local and temporary sufferings.

I therefore recommend that on Thursday, the 27th day of November next, the people meet in their respective places of worship to make their acknowledgments to Almighty God for His bounties and His protection, and to offer to Him prayers for their continuance.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

[SEAL.] Done at the city of Washington, this 14th day of October, A. D. 1873, and of the Independence of the United States the ninety-eighth.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

EXECUTIVE ORDERS.

WASHINGTON, *March 14, 1873.*

In consequence of the peculiar and confidential relations which from the nature of the service must exist and be maintained between the Department of State and its clerks, rules 2, 3, and 4 of the rules and regulations for the civil service promulgated by the President 19th of December, 1871, as amended by the Executive order 16th of April, 1872, shall in their application to that Department be modified as follows, namely:

Vacancies occurring in any grade of consulates or clerkships in the Department may be filled either by transfer from some other grade or service—clerical, consular, or diplomatic—under the Department of State, or by the appointment of some person who has previously served under the Department of State to its satisfaction, or by the appointment of some person who has made application to the Secretary of State, with proper certificates of character, responsibility, and capacity, in the manner provided for applications for consulates of which the lawful annual compensation is more than $1,000 and less than $3,000, and who has on examination been found qualified for the position.

U. S. GRANT.

[From the New-York Daily Tribune, May 10, 1873.]

WASHINGTON, *May 9, 1873.*

The President announces with deep regret the death of the Hon. Salmon P. Chase, Chief Justice of the United States, who closed a life of long public service, in the city of New York, on the 7th instant, having filled the offices of Senator of the United States, governor of Ohio, Secretary of the Treasury, and crowning a long career in the exalted position of Chief Justice of the United States. The President directs that the public offices in Washington be closed on Saturday, the 10th instant, the day of his funeral, and that they be draped in mourning for the period of thirty days, and that the flags be displayed at half-mast on the public buildings and forts and on the national vessels on the day of the funeral, in honor of the memory of the illustrious dead.

By order of the President:

HAMILTON FISH,
Secretary of State.

EXECUTIVE MANSION,
Washington, D. C., May 21, 1873.

SIR:* The President directs me to say that the several Departments of the Government will be closed on the 30th instant, in order to enable the employees of the Government to participate, in connection with the Grand Army of the Republic, in the decoration of the graves of the soldiers who fell during the rebellion.

I am, sir, your obedient servant,

O. E. BABCOCK,
Secretary.

WASHINGTON, *August 5, 1873.*

The Civil Service Commission, at its session at Washington which terminated June 4, 1873, recommended certain further rules to be prescribed by the President for the government of the civil service of the United States. These rules as herewith published are approved, and their provisions will be enforced as rapidly as the proper arrangements can be made.

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

FURTHER RULES FOR PROMOTING THE EFFICIENCY OF THE CIVIL SERVICE OF THE UNITED STATES.

Rule 1.—It being essential to the public welfare to maintain in the Executive the exercise of the power of nomination and appointment vested by the Constitution, and thereby to secure that measure of independence and separate responsibility which is contemplated by that instrument; and it being needful, in making such nominations and appointments, that the appointing power should obtain and in the proper Department preserve the evidence of fitness in reference to which all such nominations and appointments should be made: Therefore recommendations concerning any nomination or appointment to office or place in the civil service can not

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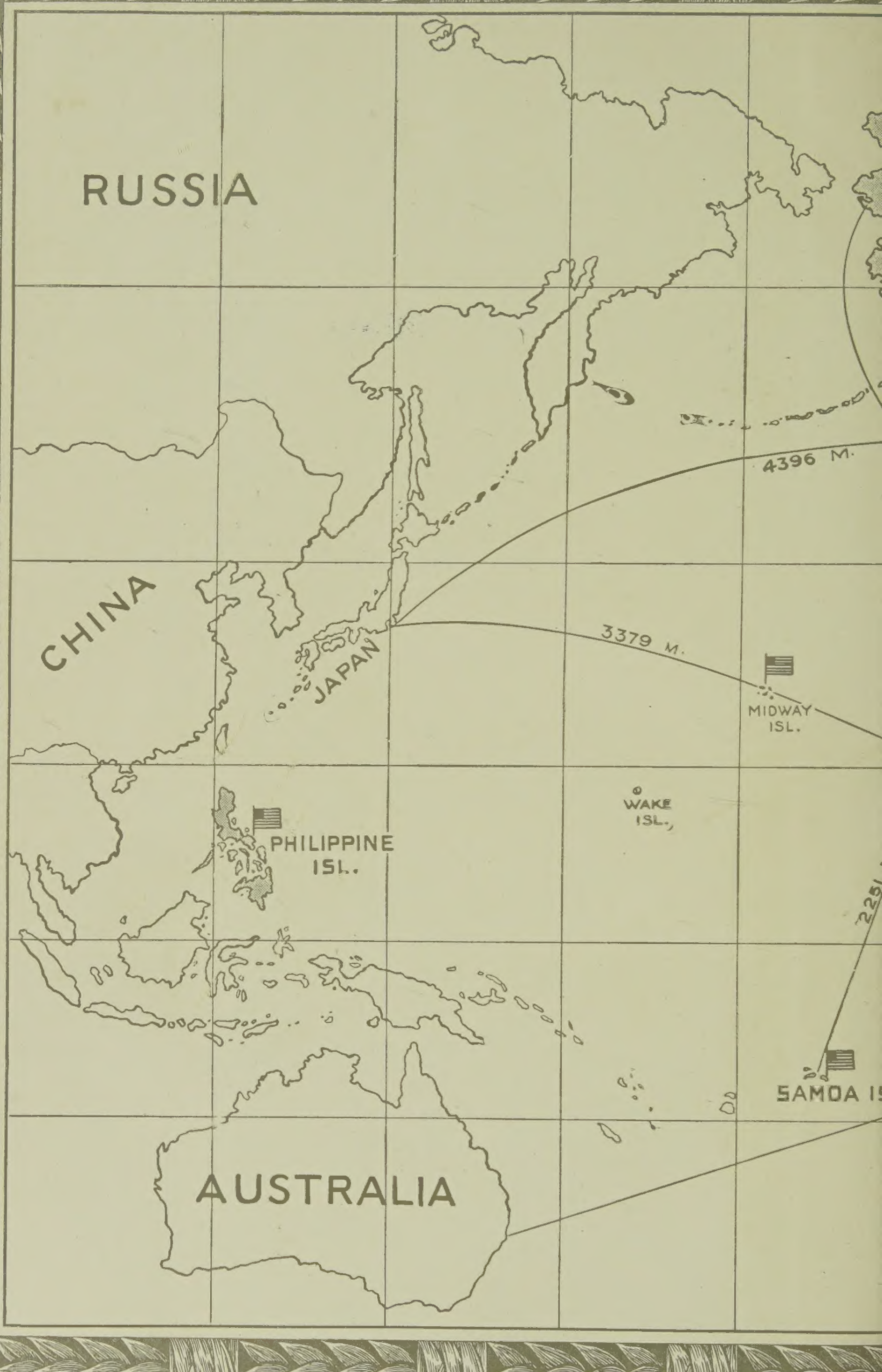
*Addressed to the heads of the Executive Departments, etc.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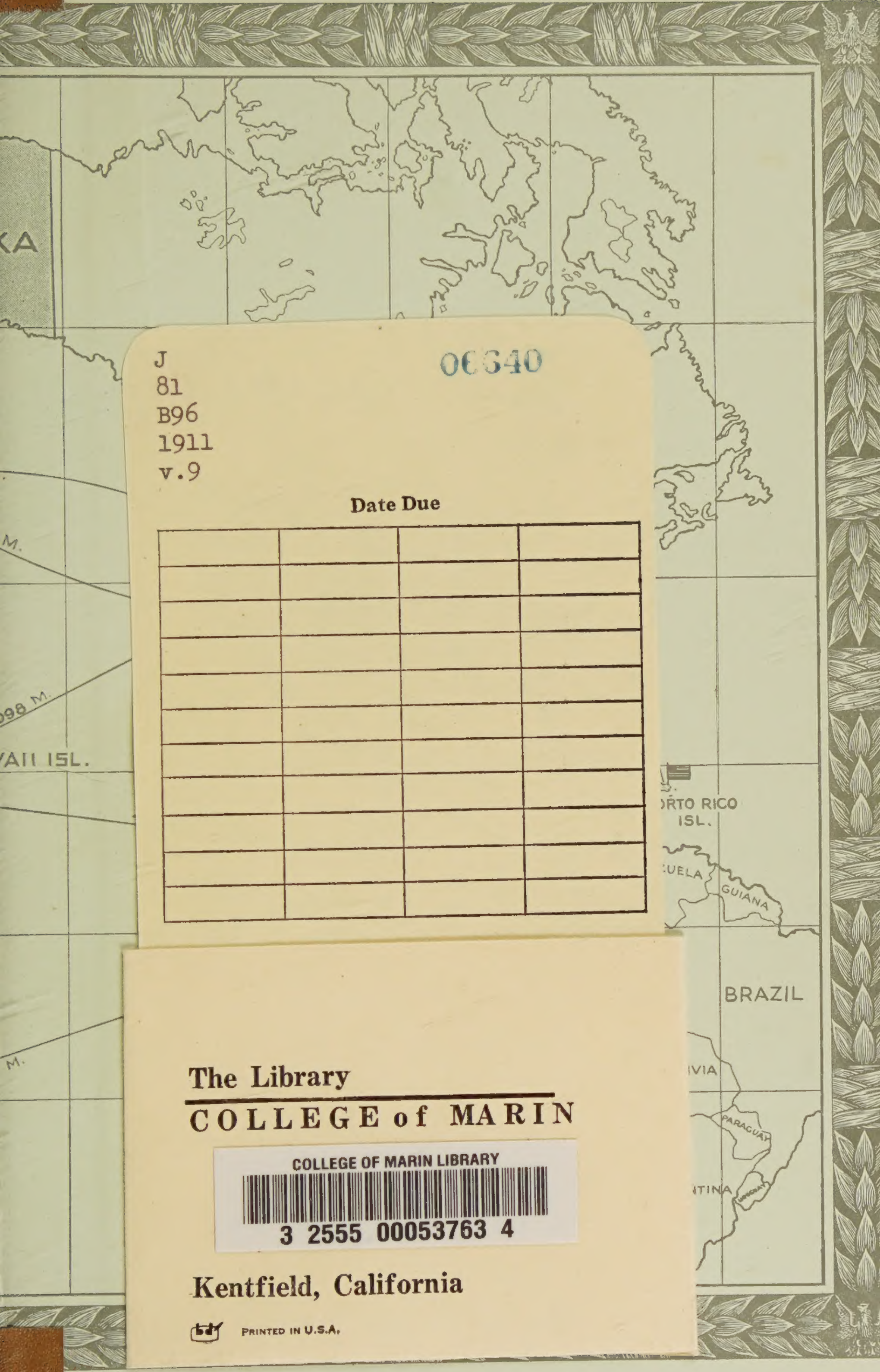

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